

ORDINANCE NO. 6 2 3 9

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF AUBURN, WASHINGTON, AMENDING
TITLE 17, SUBDIVISIONS, OF THE AUBURN CITY
CODE

WHEREAS, by means of City of Auburn Ordinance Nos. 6182, 6184, 6185, 6186 and 6187, the Auburn City Council has amended the Auburn City Code ("ACC") to require all appeals of City land use decisions to be heard by the City's hearing examiner and by the superior court, rather than the City Council; and

WHEREAS, the City Council determined that a review of the City's subdivision code, ACC Title 17, was appropriate in light of the Council's changed role; and

WHEREAS, the City of Auburn formed a volunteer code advisory group, which met five times on October 29, 2008, January 22, 2009, February 23, 2009, April 16, 2009 and April 27, 2009; and

WHEREAS, working with the code advisory group, City staff prepared draft revisions to Title 17; and

WHEREAS, a public open house on the code update project was held on January 28, 2009, with notice provided on the City's web site, with additional notice provided by mail and by a display ad published in the January 23, 2009 edition of the Auburn Reporter; and

WHEREAS, the Planning and Community Development Committee of the Auburn City Council conducted six duly noticed special meetings outside of its

regular bi-monthly meeting schedule on issues and ideas pertaining to the code update project, which were held on January 13, 2009, February 26, 2009, March 5, 2009, March 26, 2009, March 30, 2009 and May 12, 2009; and

WHEREAS, the City of Auburn Planning Commission conducted a duly noticed work study session at its regularly scheduled March 3, 2009 meeting to review and discuss with staff potential amendment issues and ideas inclusive of the potential amendments; and

WHEREAS, the Planning and Community Development Committee and the Planning Commission conducted three duly noticed joint special public meetings on April 14, 2009, April 23, 2009 and April 27, 2009 at which the proposed amendments to Title 17 were reviewed and discussed; and

WHEREAS, the City of Auburn Planning Commission held a duly noticed public hearing on the proposed amendments on May 5, 2009, which was continued to May 7 for additional testimony on the proposed amendments; and

WHEREAS, the Planning Commission voted on May 7, 2009 to recommend adoption of the proposed amendments to the Auburn City Council; and

WHEREAS, the City transmitted written notice of its intent to amend ACC Title 17 to the Washington State Office of Community, Trade, and Economic Development (CTED) pursuant to the requirements of RCW 36.70A.106, on March 30, 2009, and did receive a receipt and acknowledgment letter from CTED (Material ID # 14223) on March 31, 2009 indicating that the procedural

requirement of RCW 36.70A.106 for state agency notification had been complied with; and

WHEREAS, No comments regarding the proposed amendments have been received from CTED or other state agencies; and

WHEREAS, after the required comment period, the City issued a Final Determination of Non-Significance SEP09-0012 for the amendments to Title 17; and

WHEREAS, the City Council finds that the proposed amendments improve the readability and ease of use of the City Code, updates the technical aspects of the code, and improves the City's development review process.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, DO ORDAIN as follows:

Section 1. Amendment to City Code. That Title 17, Subdivisions, of the Auburn City Code be and the same hereby is amended to read as follows:

Title 17
LAND ADJUSTMENTS AND DIVISIONS~~SUBDIVISIONS*~~

Chapters:

17.00 User Guide

17.02 General Provisions

17.04 Definitions

17.06 Boundary Line Adjustments ~~Preliminary Plat~~

17.08 Boundary Line Eliminations ~~Improvement Methods~~

17.09 Short Subdivisions

17.10 Preliminary Subdivisions ~~Final Plats~~

17.12 Final Subdivisions ~~Subdivision Improvements~~

17.14 Improvement Requirements - Subdivisions ~~Short Subdivisions~~

17.16 Neighborhood Circulation Plan Boundary Line Adjustments
17.18 Modifications of Standards and Specifications
17.20 Subdivision Alterations Vacations
17.22 Subdivision Vacations Alterations
17.24 Binding Site Plans Amendments
17.26 Cluster Subdivisions

* For statutory provisions on the regulation of plats, subdivisions and dedications of land, see Ch. 58.17 RCW; for provisions on subdivisions of land in code cities, see Ch. 35A.58 RCW.

~~For provisions on requirements of laying CATV conduits underground by developers or landowners, see ACC 13.36.130.~~

Chapter 17.00

LAND ADJUSTMENTS AND DIVISIONS **USER GUIDE**

Title 17 of the Auburn City Code (ACC) contains standards, regulations and processes for the division of land and adjustment of property boundaries within the City.

What is a subdivision?

The process of dividing land into smaller lots is often generically referred to as a subdivision. However, in this Title, the term subdivision refers specifically to the division of land into five or more lots, while the division of land into four or fewer lots is called a short subdivision. Most of the regulations for subdivisions and short subdivisions are the same, but a short subdivision is an administrative process where an application is reviewed and decided upon by City staff whereas a subdivision is reviewed and decided upon by the City's Hearing Examiner. A plat is the drawing or map which shows the subdivision or short subdivision.

How is a plat reviewed?

The plat review process for a short subdivision, including the infrastructure improvement requirements for approval, is set forth in Chapter 17.09. The plat review process for a subdivision, from the pre-application conference to preliminary approval by the Hearing Examiner, is set forth in Chapter 17.10. Chapter 17.16 includes additional requirements for planning and other studies to be submitted for review along with the preliminary plat.

What is the criteriaare the criteria for approval?

A plat must be laid out in accordance with the standards and specifications set forth in Chapter 17.14.

What happens after a plat is approved?

Once the layout of a subdivision has been approved by the City, it is said to have "preliminary approval". Then the applicant must submit construction drawings of the infrastructure that was proposed in the preliminary plat. Once these construction drawings are approved by the City and the infrastructure has been built, inspected and accepted by the city, the plat has "final approval" and can be recorded with the appropriate county. In the case of a subdivision, an additional

application, review and approval process is required for this “final approval”. This final plat process is set forth in Chapter 17.12

What about a simple boundary line adjustment or elimination?

Other land adjustment tools are also outlined in this title, including boundary line adjustments (Chapter 17.06) and boundary line eliminations (Chapter 17.08). Boundary Line Adjustments are the movement of a boundary line that does not result in the creation of a new lot. Boundary Line Eliminations are the merging of two or more lots by eliminating one or more lot lines.

How do you modify an existing subdivision?

The applicant can request a modification of subdivision standards and specifications through the process set forth in Chapter 17.18.

How do you change a recorded subdivision?

After a subdivision has been recorded with the County in which it is located, any proposed change to the subdivision is called a subdivision alteration. The alteration process is set forth in Chapter 17.20. If the applicant proposes to make a change to an approved preliminary plat before final plat approval and recording, then the applicant may request an adjustment to the preliminary plat through the process set forth in Section 17.10.100.

How do you eliminate a recorded subdivision?

A plat may also be vacated, or eliminated, after recording. Chapter 17.22 outlines the process by which a plat may be vacated, and to whom the title to the vacated property shall vest.

Is there another process by which you can subdivide land?

The binding site plan process is an alternative form of land division. It may be used for the division of land for commercially- or industrially-zoned property, or for certain types of residential development. This process is set forth in Chapter 17.24.

Can you cluster lots within a subdivision?

The City of Auburn allows clustering of lots within a subdivision onto a portion of the site, while maintaining the density of the residential zone. Clustering allows future development to occur at an appropriate density for infrastructure services; it also protects environmentally sensitive areas or cultural/historic features by

clustering lots away from these areas. The standards by which clustering is allowed is set forth in Chapter 17.26.

Chapter 17.02

LAND ADJUSTMENTS AND DIVISIONS - GENERAL PROVISIONS

Sections:

- 17.02.010 Short title.
- 17.02.020 General authority.
- 17.02.030 Purpose.
- 17.02.040 Scope.
- 17.02.050 Exceptions.
- 17.02.060 Administration.
- 17.02.065 Application Requirements
- 17.02.070 Consent to access.
- 17.02.080 Enforcement.
- 17.02.090 Amendments

17.02.010 Short title.

The ordinance codified in this title, together with any amendments hereto, shall be known as the "Auburn Land Division Ordinance" ~~of the city which~~ and shall constitute Title 17 of the Auburn City Code and shall hereafter be referred to as "this title." (Ord. 4501 § 2, 1991; Ord. 4296 § 2, 1988.)

17.02.020 General authority.

This title is adopted under the authority of Chapters 35A.01, 35A.58 and 58.17 RCW. (Ord. 4501 § 2, 1991; Ord. 4296 § 2, 1988.)

17.02.030 Purpose.

The purpose of this title is to regulate the division of land lying within the corporate limits of the city, and to promote the public health, safety and general welfare and prevent or abate public nuisances in accordance with standards established by the state and the city, and to:

- A. Prevent the overcrowding of land;
- B. ~~Lessen congestion and p~~Promote safe and convenient travel by the public on streets and highways;
- C. Promote the effective use of land;
- D. Provide for adequate light and air;
- E. Facilitate adequate provision for water, sewerage, storm drainage, parks and recreational areas, sites for schools and school grounds, and other public requirements;
- F. Provide for proper ingress and egress;
- G. Provide for the expeditious review and approval of proposed land divisions which comply with this title, the Auburn zoning ordinance, other city plans, policies and land use controls, and Chapter 58.17 RCW;

H. Adequately provide for the housing and commercial needs of the citizens of the state and city;

I. Require uniform monumenting of land divisions and conveyance by accurate legal description;

J. Implement the goals, objectives and policies of the Auburn comprehensive plan.;

~~K. Prevent or abate public nuisances.~~ (Ord. 4772 § 1, 1995; Ord. 4501 § 2, 1991; Ord. 4296 § 2, 1988.)

17.02.040 Scope.

Every division of land lying within the corporate limits of the city shall comply with the provisions of this title, except as provided by ACC 17.02.050, and shall also comply with the provisions of Chapter 58.17 RCW. Wherever conflicts may arise between this title and Chapter 58.17 RCW, the latter shall prevail. It shall be the responsibility of the property owner, applicant and the city to ensure that a land division complies with this title and Chapter 58.17 RCW. No building permit, ~~septic tank permit~~ or other development permit shall be issued for any lot, tract or parcel of land divided in violation of this title or Chapter 58.17 RCW unless the authority authorized to issue such permit finds that the public interest will not be adversely affected thereby. (Ord. 4501 § 2, 1991; Ord. 4296 § 2, 1988.)

17.02.050 Exceptions.

The provisions of this title shall not apply to:

A. Cemeteries and other burial plots while used for that purpose;

B. Divisions made by testamentary provisions or the laws of descent;

C. Assessor's plats made in accordance with RCW 58.18.010;

~~D. Lot line adjustments for existing lots of record, provided that such adjustments are made consistent with the provisions of Chapter 17.16 ACC.~~ (Ord. 4501 § 2, 1991; Ord. 4296 § 2, 1988.)

17.02.060 Administration.

~~A. This title shall be administered by the director of the department of planning, building and community department, hereafter referred to as the planning department and community development.~~ All applications for land division approval under this title shall be submitted to the planning department of ~~planning and community development~~. In cases where an environmental impact statement is required under the provisions of the State Environmental Policy Act (SEPA – Chapter 43.21C RCW), the planning department shall not be considered to be in receipt of an application, for the purpose of complying with time limitations established by this title, until the date of issuance of a final environmental impact statement. (Ord. 4501 § 2, 1991; Ord. 4296 § 2, 1988.)

B. Unless otherwise stated herein, all references to days are to be construed as calendar days.

17.02.065 Application Requirements.

A. An application shall consist of all materials required by the applicable application submittal checklist, the applicable development regulations and shall, at a minimum, include the following:

1. A completed project permit application form signed by the property owner(s) and/or applicant;

2. A statement that the applicant attests by written oath to the accuracy and completeness of all information submitted for an application;

3. A statement by the applicant that the property affected by the application is in the exclusive ownership of the applicant, or that the applicant has submitted the application with the written consent of all owners of the affected property and such written consent is supplied with the application;

4. A legal description of the site;

5. Applicable filing fee(s), if any, as established in the current City of Auburn Fee Schedule and relevant deposit(s), if any, as permitted or required by other chapters or sections of the Auburn City Code;

6. Evidence of Water and Sewer Availability:

a. Availability of water and sewer service inside the municipal limits of the city shall be confirmed by city staff.

b. Except for Boundary Line Adjustments or Boundary Line Eliminations, if outside the City's Water or Sanitary Sewer Service Area, application shall include evidence of water or sanitary sewer availability or evidence of approval from King County or Pierce County Health Departments for a septic system adequate to accommodate the proposed development;

c. The application shall include a conceptual utility plan showing all utility infrastructure needed to serve the subdivision;

7. Conceptual grading plan showing existing and proposed grades with cross sections demonstrated, as applicable;

8. Conceptual access plan showing existing and proposed access points and access points adjacent or on the opposite side of the subject properties frontage;

9. Any additional information as required by the specific submittal checklist or Title 17 chapter for each specific application type;

10. A project permit application is complete when it meets the submittal requirements specified by the Director. The determination of completeness shall not preclude the department from requesting additional information or studies either at the time of notice of completeness or subsequently if new or additional information is required or substantial changes in the proposed action occur, as determined by the department.

B. The Director shall have the authority to prepare, revise and/or waive any of the specific submittal requirements listed herein that are determined to be unnecessary for review of an application.

17.02.070 Consent to access.

Persons applying for land division or other subdivision-related lot line adjustment approvals under this title shall permit free access to the land subject

to the application, to all agencies considering the proposal, for the period of time extending from the time of application to the time of final approval of the short subdivision or subdivision action. (Ord. 4501 § 2, 1991; Ord. 4296 § 2, 1988.)

17.02.080 Enforcement.

The ~~building official~~planning director, or his ~~designee~~, pursuant to the provisions of Chapter 1.25 ACC, shall be charged with the responsibility of enforcing the provisions of this title or any conditions properly imposed by the hearing examiner, planning commission or city council. (Ord. 4501 § 2, 1991; Ord. 4296 § 2, 1988.)

17.02.090 Amendments

A. Initiation of Amendments

1. The city council, or planning and community development committee of the city council, upon its own motion may request the planning commission to conduct a public hearing to amend any portion or all of this title; provided, that no public hearing is required for a purely administrative or procedural amendment of any portion of this title;

2. The planning commission may upon its own motion call for a public hearing to amend any portion or all of this title, with the exception of purely administrative or procedural amendments;

3. Any resident or property owner of the city may petition the city to request an amendment to the text of this title. (Ord. 6198 § 2, 2008; Ord. 4840 § 1, 1996.)

B. Public Hearing and Notice.

1. With the exception of purely administrative or procedural amendments, the planning director shall schedule a public hearing to be held before the planning commission for any proposal to amend this title or to adopt or repeal any ordinance under the authority established by Chapter 58.17 RCW. The director shall cause notice of such hearing to be given as follows:

a. By sending to any individual or organization which has submitted a request for notification a notice indicating the time and place of public hearing, describing the general nature of the proposal, and indicating how copies of the proposed ordinance or amendment can be obtained; and

b. By publishing in a newspaper of general circulation in the area a notice indicating the time and place of public hearing, describing the general nature of the proposal, and indicating how copies of the proposed ordinance or amendment may be obtained.

2. For all proposals to make purely administrative or procedural amendments to this title, the planning director shall cause notice of such proposed amendment to be given as follows:

a. By sending to any individual or organization which has submitted a request for notification, advance notice of the proposed amendment that indicates how copies of the proposed amendment can be obtained.

b. By publishing in a newspaper of general circulation in the area advance notice of the proposed amendment that indicates how copies of the proposed amendment can be obtained.

3. For the purposes of this chapter, substantive amendments shall be distinguished from procedural or administrative amendments in accordance with the following: "Substantive" matters relate to regulations that define or limit what can be done in terms of conduct, use or action (e.g., what use may be made of land, what requirements apply to development, and "procedural" or "administrative" matters are those that relate to the process of how an application to take such action must be pursued (e.g., time limits for applications and appeals, what forms must be used, and where or how applications must be submitted. Essentially, "procedural" or "administrative" matters are the mechanical rules by which substantive issues may be pursued). (Ord. 6198 § 1, 2008; Ord. 6006 § 5, 2006; Ord. 4840 § 1, 1996; Ord. 4296 § 2, 1988.)

C. Planning Commission Recommendation.

After the public hearing has been closed, the planning commission shall recommend to the council either adoption, adoption with modifications, or rejection of the proposed ordinance or amendment. In formulating its recommendation, the commission shall consider, among other things, the relationship between the proposed ordinance or amendment and the comprehensive plan, other applicable city policies, and other existing land use controls. (Ord. 4840 § 1, 1996; Ord. 4296 § 2, 1988.)

D. City Council Action.

The planning director shall forward the planning commission's recommendation, in writing, to the council. The council may elect to hold its own public hearing, either before the full council or before a council committee, in which case the city clerk shall cause adequate notice to be given. The council shall consider, but shall not be bound by, the planning commission's recommendation in reaching its own decision. (Ord. 4840 § 1, 1996; Ord. 4296 § 2, 1988.)

Chapter 17.04 DEFINITIONS

Sections:

17.04.010	General definitions.
17.04.020	ACC.
<u>17.04.025</u>	<u>Alley.</u>
17.04.030	Applicant.
17.04.040	Application.
<u>17.04.045</u>	<u>Area of special flood hazard.</u>
17.04.050	Binding site plan.
<u>17.04.055</u>	<u>Boundary line adjustment</u>
<u>17.04.060</u>	<u>Boundary line elimination</u>
17.04.065	City.
17.04.070	Code.
17.04.080	Commission.
17.04.090	Comprehensive plan.
17.04.100	Council.
17.04.110	Dedication.
17.04.120	Department.
17.04.130	Development permit.
<u>17.04.140</u>	<u>Director, planning.</u>
17.04.150	EIS or environmental impact statement.
17.04.160	Final plat.
17.04.170	Hearing examiner.
17.04.180	Improvements.
17.04.190	Land division.
17.04.200	Lot.
17.04.205	Lot area.
17.04.210	Lot line adjustment.
17.04.220	Lot of record.
17.04.225	Monument.
17.04.230	One percent flood hazard area.
17.04.235	230 Original tract.
<u>17.04.235</u>	<u>Owner</u>
17.04.240	Panhandle.
<u>17.04.245</u>	<u>Parcel</u>
17.04.250	Planning agency.
17.04.260	Planning commission.
<u>17.04.265</u>	<u>Planning Director</u>
17.04.270	Preliminary plat.
17.04.280	Public way.
17.04.290	RCW.
17.04.300	Regulatory floodway.
<u>17.04.310</u>	<u>Reserved</u> Responsible official.

17.04.320	Short plat.
17.04.330	Short subdivision.
17.04.340	Street.
17.04.350	Street, half.
17.04.360	Street, private.
17.04.370	Street, public.
17.04.380	Subdivision.
17.04.385	<u>Tract</u>
17.04.390	USC and GS.
17.04.400	USGS.
17.04.410	Zoning ordinance.

17.04.010 General definitions.

Except where specifically defined in this chapter, all words used in this title shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular; the word “he” or “his” shall also refer to “she” or “her,” the word “shall” is always mandatory, the word “may” denotes a use of discretion in making a decision, the words “used” or “occupied” shall be considered as though followed by the words “or intended, arranged or designed to be used or occupied.” (Ord. 4296 § 2, 1988.)

17.04.020 ACC.

“ACC” means the Auburn City Code. (Ord. 4296 § 2, 1988.)

17.04.025 Alley.

“Alley” means a public travel way or other public right-of-way under the jurisdiction and control of the city and not designated for general travel and used primarily as a means of access to the rear of residential and/or business establishments.

17.04.030 Applicant.

“Applicant” means the owner or owners of record of the property subject to an application for land division or lot line adjustment, or the authorized representative of such owner or owners. (Ord. 4296 § 2, 1988.)

17.04.040 Application.

“Application” means all of the application forms, plans and accompanying documents required by this title for any particular land division, boundary line adjustment, or lot boundary line adjustment/elimination request. The city shall not be considered to be in receipt of an application under this title until the planning director has verified that an application is complete. (Ord. 4296 § 2, 1988.)

17.04.045 Area of Special Flood Hazard.

“Area of Special Flood Hazard” means the land within the floodplain in a community subject to a one percent or greater chance of flooding in any given

year, as indicated in the Flood Insurance Rate Map (FIRM) Program entitled Flood Boundary and Floodway Map.

17.04.050 Binding site plan.

“Binding site plan” means a drawing prepared pursuant to Chapter 17.24 ACC 18-20-060, and showing the location and general characteristics of streets, utilities and other physical features of property divided under the procedures of Chapter ~~18~~17.20-24 ACC. (Ord. 4296 § 2, 1988.)

17.04.055 Boundary line adjustment.

“Boundary line adjustment” means the relocation of the boundaries of a lot, which relocation does not result in the creation of any additional lot or lots. (Ord. 4296 § 2, 1988.)

17.04.060 Boundary line elimination.

“Boundary line elimination” means the removal of one or more interior lot lines of two or more separate lots with contiguous ownership.

17.04.0650 City.

“City” means the city of Auburn, Washington. (Ord. 4296 § 2, 1988.)

17.04.070 Code.

“Code” means the Auburn City Code. (Ord. 4296 § 2, 1988.)

17.04.080 Commission.

“Commission” means the planning commission of the city as established by Chapter 2.45 ACC. (Ord. 4296 § 2, 1988.)

17.04.090 Comprehensive plan.

“Comprehensive plan” means the comprehensive plan for the Auburn planning area, as now constituted or hereafter amended, or its successor. (Ord. 4296 § 2, 1988.)

17.04.100 Council.

“Council” means the Auburn city council. (Ord. 4296 § 2, 1988.)

17.04.110 Dedication.

“Dedication” means the deliberate conveyance of fee ownership of land, or the granting of a right-of-way, easement, or other interest in land, by an owner or owners of the land to the city for any general and public uses~~“Dedication” means the deliberate conveyance of land by an owner or owners to the city for any general and public uses,~~ reserving to the owner or owners no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner or owners presenting for filing a final plat showing the dedication thereon. Acceptance by the city shall be indicated by the approval of

the city council, as evidenced by the presence of the mayor's signature on the face of the final plat. (Ord. 4296 § 2, 1988.)

17.04.120 Department.

"Department" means the city department of planning, building, and community development, or its successor, unless otherwise specified. (Ord. 4296 § 2, 1988.)

17.04.130 Development permit.

"Development permit" means any permit issued by the city allowing the physical alteration of real property, including but not limited to building construction or alteration, street construction, utility construction or installation, grading, filling or excavating. Approval of a subdivision, short subdivision, binding site plan, boundary line adjustment or ~~lot~~boundary line adjustment~~elimination~~ shall not be considered a "development permit" for the purposes of this title. (Ord. 4296 § 2, 1988.)

17.04.140 Director, Planning.

See Planning Director (ACC 17.04.265). ~~"Director" means the director of the city department of planning and community development, or its successor, unless otherwise specified. (Ord. 4296 § 2, 1988.)~~

17.04.150 EIS or environmental impact statement.

"EIS" or "environmental impact statement" means a document prepared to assess the environmental impacts of a proposal which has been judged to have, or to likely have, a significant adverse effect upon the quality of the environment pursuant to the State Environmental Policy Act of 1971 (Chapter 43.21C RCW), as now constituted or hereafter amended. (Ord. 4296 § 2, 1988.)

17.04.160 Final plat.

"Final plat" means the final drawing of a subdivision and dedication prepared for filing for record with the county auditor, and containing all elements and requirements as set forth in Chapter 17.120 ACC and as set forth in Chapter 58.17 RCW. (Ord. 4296 § 2, 1988.)

17.04.170 Hearing examiner.

"Hearing examiner" means the city hearing examiner, as established by Chapter 18.66 ACC. (Ord. 4296 § 2, 1988.)

17.04.180 Improvements.

"Improvements" means the street/transportations, sidewalks, street lights, fire hydrants, storm water facilities, sanitary sewer facilities, domestic water utilities facilities, and other utilities and facilities required by this title, other titles of Auburn City Code, or the City design and construction standards to be constructed in conjunction with any particular land division. (Ord. 4296 § 2, 1988.)

17.04.190 Land division.

"Land division" means the creation of any new lot or lots for the purpose of sale, lease or transfer of ownership, whether such lot or lots is created by subdivision, short subdivision, or binding site plan. (Ord. 4296 § 2, 1988.)

17.04.200 Lot.

"Lot" means an area of land under single or common ownership, which has been created by any of the various land division methods for the purpose of lease, sale or transfer of ownership, defined by fixed and definite boundaries, and having sufficient area and dimension to accommodate development allowed by the zone in which it is located. As per RCW 58.17.020(9) the term lot shall include tracts or parcels. The term shall not include those tracts or parcels which are not buildable, but are created for common or public use such as road and utility tracts. (Ord. 6006 § 1, 2006; Ord. 4296 § 2, 1988.)

17.04.205 Lot area.

"Lot area" means the total horizontal area within the boundary lines of a lot, however, the area contained in access easements, tracts, or panhandles shall not be included in the lot area or any other lot size computation. (Ord. 4296 § 2, 1988.)

~~17.04.210 Lot line adjustment.~~

~~"Lot line adjustment" means the relocation of the boundaries of a lot, which relocation does not result in the creation of any additional lot or lots. (Ord. 4296 § 2, 1988.)~~

17.04.220 Lot of record.

"Lot of record" means a lot which has been recorded by the county and appears on the official maps of the county assessor. (Ord. 4296 § 2, 1988.)

17.04.225 Monument.

"Monument" means a permanent type survey marker which conforms to the city's design or construction standards' standard detail for monuments, in accordance with an approved substitute RCW 58.09 (Surveys-Recording). (Ord. 4296 § 2, 1988.)

~~17.04.230 One percent flood hazard area.~~

~~"One percent flood hazard area" means the land within the city which has been determined to have a one percent or greater probability of flooding in any given year, as indicated on maps prepared under the National Flood Insurance Program entitled "Flood Boundary and Floodway Map." (Ord. 4296 § 2, 1988.)~~

17.04.235-230 Original tract.

"Original tract" means a unit of unplatted land held under single or unified ownership, the configuration of which may be determined by the fact that all land abutting said tract is separately owned by others, not including an applicant or

applicants; provided, that where a husband and wife own contiguous lots in separate or community ownership, said contiguous lots shall constitute the original tract. (Ord. 6006 § 2, 2006.)

17.04.0235 Owner.

“Owner” means the vested owners of the property and the beneficiaries of Deeds of trust (owners of financial interest) as indicated in a current title report covering the property.

17.04.240 Panhandle.

“Panhandle” means an irregular extension or protrusion of a lot, created for the purpose of providing such lot with frontage on a public or private street or access way. (Ord. 4296 § 2, 1988.) “Panhandle” means a lot with access to a street by means of a portion of the lot having less than the required lot width, and situated so that another lot is located between the main portion of the lot and the street.

17.04.245 Parcel

“Parcel” means an area of land for which rights or ownership and use can be bought. For purposes of this title, see ACC 17.04.200 “Lot”.

17.04.250 Planning agency.

“Planning agency” means the Auburn department of planning, building, and community development, or its successor. (Ord. 4296 § 2, 1988.)

17.04.260 Planning commission.

“Planning commission” means that body created by Chapter 2.45 ACC. (Ord. 4296 § 2, 1988.)

17.04.265 Planning director.

“Planning Director” means the director of the Auburn department of planning, building, and community, or its successor, unless otherwise specified.

17.04.270 Preliminary plat.

“Preliminary plat” means a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, utilities and other elements of a subdivision consistent with the provisions of Chapter 17.06-10 ACC. (Ord. 4296 § 2, 1988.)

17.04.280 Public way.

“Public way” means the surface, the air space above the surface, and the space below the surface of any public street, including, but not limited to, any public alley, bridge, land path, trail, court, circle, roundabout, boulevard, drive, tracts, right-of-way or sidewalk under the jurisdiction of the city as is now, or in the future, laid out, improved or unimproved within the limits of the city presently and as such limits may be hereafter extended any publicly owned land set aside

~~for surface transportation purposes, including vehicular, bicycle and pedestrian transportation, whether improved or not improved. (Ord. 4296 § 2, 1988.)~~

17.04.290 RCW.

"RCW" means the Revised Code of Washington, as now constituted or hereafter amended. (Ord. 4296 § 2, 1988.)

17.04.300 Regulatory floodway.

~~"Regulatory floodway" means the channel of a river or other water course and together with the adjacent land areas which must be reserved in order to discharge a flood without cumulatively increasing the water surface elevation by more than one foot, as indicated on the applicable Flood Insurance Rate Map (FIRM) maps prepared under the National Flood Insurance Program entitled "Flood Boundary and Floodway Map." (Ord. 4296 § 2, 1988.)~~

17.04.310 ~~Reserved~~Responsible official.

~~"Responsible official" means that official of the city charged by ordinance with administering the State Environmental Policy Act of 1971 within the city. (Ord. 4296 § 2, 1988.)~~

17.04.320 Short plat.

"Short plat" means a neat and accurate drawing of a short subdivision, prepared for filing for record with the county auditor, and containing all elements and requirements as set forth by Chapter 17.0914 ACC. (Ord. 4296 § 2, 1988.)

17.04.330 Short subdivision.

"Short subdivision" means the division or redivision of land into four or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership, consistent with the provisions of Chapter 17.0914 ACC. (Ord. 4296 § 2, 1988.)

17.04.340 Street.

~~"Street" comprised of a public or private street means any land legally segregated dedicated or reserved for the purpose of providing for vehicular public travel and access to real property. (Ord. 4296 § 2, 1988.)~~

17.04.350 Street, half.

~~"Half street" means a street with improvements built only from the centerline to one edge of the ultimate right-of-way, or to a minimum width as defined in the city's design and construction standards, but otherwise designed and built in accordance with all applicable ordinances, standards and requirements; provided, that appropriate measures shall be taken to protect the structural integrity of the exposed edge of pavement at the ultimate centerline, as determined by the city engineer. (Ord. 4296 § 2, 1988.)~~

17.04.360 Street, private.

“Private street” means any ~~easement, tract or~~ street which is not a public street. (Ord. 4296 § 2, 1988.)

17.04.370 Street, public.

“Public street” means any highway, street, or other public right-of-way for motorized or non-motorized travel under the jurisdiction and control of the City street, whether improved or unimproved, held in public ownership and intended to be open as a matter of right to public vehicular travel. (Ord. 4296 § 2, 1988.)

17.04.380 Subdivision.

“Subdivision” means the division or redivision of land into five or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership, consistent with the provisions of this title; provided, that the term “subdivision” shall also include the redivision of land into four or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership where such land has been short subdivided within the previous five years and does not meet the criteria of ACC 17.0914.010(B). (Ord. 4296 § 2, 1988.)

17.04.385 Tract

“Tract” means a piece of land created and designated as part of a land division that is not a lot of record, or a street or public right-of-way. Tracts are created and designed for a specific purpose. Land uses within a tract are restricted to those uses consistent with the stated purpose as described on the plat, or in the maintenance agreements. Examples include but are not limited to stormwater management tracts, private street or alley tracts, tree preservation tracts, environmental resource tracts, and open space tracts.

17.04.390 USC and GS.

“USC and GS” means the United States Coastal and Geodetic Survey. (Ord. 4296 § 2, 1988.)

17.04.400 USGS.

“USGS” means United States Geological ~~Geodetic~~ Survey. (Ord. 4296 § 2, 1988.)

17.04.410 Zoning ordinance.

“Zoning ordinance” means the Auburn comprehensive zoning ordinance, codified as Title 18 of this code, as now constituted or hereafter amended. (Ord. 4296 § 2, 1988.)

Chapter 17.06

PRELIMINARY PLAT BOUNDARY LINE ADJUSTMENTS

Sections:

- ~~17.06.005 Purpose.~~
- ~~17.06.010 Scope. Preapplication conference.~~
- ~~17.06.020 Application. Application, submittal and contents.~~
- ~~17.06.030 Administrative review. Public hearing.~~
- ~~17.06.040 Administrative review.~~
- ~~17.06.050 Hearing examiner review.~~
- ~~17.06.060 Repealed.~~
- ~~17.06.070 Findings of fact.~~
- ~~17.06.080 Notice of decision to applicant.~~
- ~~17.06.090 Transfer of property.~~
- ~~17.06.100 Adjustments of an approved preliminary plat.~~
- ~~17.06.110 Time limitations.~~

17.06.005 Purpose.

The purpose of this chapter is to define the criteria used by the city of Auburn to review boundary line adjustments. Boundary line adjustments are intended to provide a procedure for minor changes to the location of a boundary line. This chapter is also intended to ensure compliance with Chapter 58.09 RCW and WAC 332-130. (Ord. 6006 § 4, 2006.)

17.06.010 Scope.

The boundary lines separating two or more lots of record may be adjusted under the provisions of this chapter; provided, that such adjustment:

A. Will not result in the creation of any additional lot, tract, parcel, site or division;

B. Will not create any lot, tract, parcel, site or division which contains insufficient area and dimensions to meet the requirements of ACC Title 18;

C. Will not adversely affect storm drainage, water supply, existing or future sanitary sewage disposal, access easements for vehicles, utilities and fire protection;

D. Will not create or diminish any easement or otherwise deprive any parcel of access or utilities;

E. Will be consistent with any applicable health, building or similar regulations;

F. Will not increase the nonconforming aspects of an existing nonconforming lot unless, as a result of the boundary line adjustment one parcel becomes more conforming while another parcel remains nonconforming. (Ord. 6006 § 4, 2006; Ord. 4840 § 1, 1996; Ord. 4296 § 2, 1988.)

17.06.020 Application.

A. In addition to the requirements for submitting a complete application as set forth in ACC 14.05.020, requirements for application materials for Boundary Line Adjustments include:

1. Application requirements found in ACC 17.02.065.
2. A boundary line adjustment map shall be submitted to the planning department in a format prescribed by the planning director, signed and stamped by a professional land surveyor licensed in the State of Washington and clearly showing the following information:
 - a. The proposed lot lines for all affected lots;
 - b. The existing lot lines proposed to be changed;
 - c. Location and dimensions of all structures and improvements existing upon the affected lots in proximity to the lot lines being adjusted;
 - d. the original legal description of the original parcels together with new separate legal descriptions for each revised parcel;
 - e. Parcel numbers of all affected lots;
 - f. Location and dimensions of any drainfield, easement or right-of-way existing within the affected lot;
 - g. Declaration blocks shall be provided for the lot owner(s), surveyor, approving governmental agencies and recording certification in a manner; and
 - h. All other requirements as specified in the application checklist.

3. The final Mylar for recording shall contain all survey information required for a record of survey under Chapter 58.09 RCW and Chapter 332-130 WAC, and all requirements of Chapter 58.09 RCW and Chapter 332-130 WAC governing minimum standards for land boundary surveys shall be met and a note shall be placed on the Mylar that reads:

THIS SURVEY COMPLIES WITH ALL THE STANDARDS AND GUIDELINES OF THE "SURVEY RECORDING ACT" CHAPTER 58.09 RCW AND WAC 332-130.

4. A boundary line adjustment map may contain conveyance language that provides for the transference of property between the affected lots.

5. A title report, with liability for errors not to exceed the assessed value of the lots on the date of application. The title report shall be issued no more than 30 days prior to the application date. The city may request an updated title report prior to approval at its discretion.

B. All newly established lot corners shall be permanently marked with the land surveyor's registration number. When the boundary lines follow a meandering line, the "corners" shall be set as directed by the city of Auburn.

(Ord. 6006 § 4, 2006; Ord. 4840 § 1, 1996; Ord. 4296 § 2, 1988.)

17.06.030 Administrative review.

A boundary line adjustment shall be reviewed in accordance with ACC Title 14 as a Type I decision.

A. The planning director shall forward copies of the proposed boundary line adjustment plan to the building official, public works department and fire authority, who shall review the plan and submit comments to the planning director.

B. Following receipt of the comments of those consulted under subsection A of this section, the planning director shall approve or deny the requested boundary line adjustment. Following a decision, the director shall notify the applicant to file a final Mylar drawing for signatures. The Mylar shall be transmitted to the appropriate county office for recording. The boundary line adjustment must be recorded within 30 days or the boundary line adjustment shall be null and void. A recorded Mylar copy shall be provided to the city.

C. An aggrieved person may appeal the director's decision on a boundary line adjustment, within 14 days of mailing the director's decision, to the hearing examiner, in accordance with procedures prescribed in ACC 18.70.050(B) through (E). The hearing examiner's decision shall be final unless appealed to superior court as prescribed in ACC 18.66.160. (Ord. 6186 § 14, 2008; Ord. 6061 § 5, 2006; Ord. 6006 § 4, 2006; Ord. 5170 § 1, 1998; Ord. 4840 § 1, 1996; Ord. 4296 § 2, 1988.)

17.06.010 Preapplication conference.

~~Persons considering making application to subdivide land lying within the city of Auburn are encouraged to request that a preapplication conference be held with appropriate city staff. Such request shall be directed to the planning director, and upon its receipt the director shall schedule a conference between the prospective applicant and appropriate city staff. The purpose of a preapplication conference is for the prospective applicant and city staff to gain a common understanding of the nature of the contemplated subdivision and subsequent development, and any procedures, rules, standards and policies which may apply. The prospective applicant is encouraged to bring to the conference whatever information deemed appropriate to help describe the existing nature of the site and its surroundings and the proposed nature of the contemplated subdivision and subsequent development. Such information may include photographs, sketches and maps. The director or the prospective applicant may request that an additional conference or conferences be held to further the purpose of this section. (Ord. 5140 § 1, 1998; Ord. 4840 § 1, 1996; Ord. 4296 § 2, 1988.)~~

17.06.020 Application, submittal and contents.

~~A. Application. In addition to the requirements for a completed application as provided in ACC Title 14, application for subdivision approval shall be submitted~~

~~to the department of planning and community development, shall be accompanied by applicable fees as established by ordinance and shall include the following:~~

~~1. A completed subdivision application form, blank copies of which are available from the department;~~

~~2. A completed environmental checklist form, blank copies of which are available from the department, unless the director and the applicant agree that an environmental impact statement must be prepared;~~

~~3. One sepia or photo vellum reproducible copy and 10 paper copies of a preliminary plat, prepared according to the provisions of this chapter;~~

~~4. Where any lot is proposed to be served by an on-site sewage disposal system, results of preliminary percolation tests for each such proposed lot, conducted under the county department of health rules and regulations. The city engineer may require that such tests be conducted under high ground water (winter) conditions;~~

~~5. A conceptual utility/site grading plan and/or methodology prepared in accordance with the city's comprehensive plans, standards or ordinance requirements;~~

~~6. The location of other utilities other than those provided by the city.~~

~~An application for preliminary plat approval shall be approved, approved with conditions, returned to the applicant for modifications or denied pursuant to the department, unless the applicant agrees in writing to an extension of this time period. The department shall not be considered to be in receipt of an application for preliminary plat approval unless and until such time as the application meets the requirements of this section, as determined by the director.~~

~~B. Preparation. The preliminary plat shall be prepared by a professional engineer or professional land surveyor registered or licensed by the state of Washington. The preparer shall, by placing his or her signature and stamp upon the face of the plat, certify that all information is portrayed accurately and that the proposed subdivision complies with the standards and requirements of this title, the Auburn zoning ordinance and any other applicable land use and development controls.~~

~~C. Scale and Format. The preliminary plat shall be drawn with India ink or other reproducible black ink on Mylar. All geographic information portrayed by the preliminary plat shall be accurate, legible, and drawn to an engineering (decimal) scale. The horizontal scale of a preliminary plat shall be 100 feet or fewer to the inch, except that the location sketch and typical street cross sections may be drawn to any other appropriate scale. A preliminary plat shall be 24 inches by 36 inches in size, and if more than one sheet is needed each sheet shall be numbered consecutively and an index sheet showing the entire property and orienting the other sheets, at any appropriate scale, shall be provided.~~

~~D. Preliminary Plat Contents. A preliminary plat shall provide the following information:~~

~~1. General Information. The following information shall appear on each sheet of a preliminary plat:~~

- ~~a. The name of the proposed subdivision, together with the words "preliminary plat";~~
- ~~b. The name and address of the applicant;~~
- ~~c. The name, address, stamp and signature of the professional engineer or professional land surveyor who prepared the preliminary plat;~~
- ~~d. Numeric scale, graphic scale, true north point and date of preparation;~~
- ~~e. A form for the endorsement of the planning director, as follows:~~

~~APPROVED BY RESOLUTION _____ OF THE CITY COUNCIL ON
(Date) _____~~

~~_____~~

~~Director, Planning and~~

~~Community Development Dept.~~

~~_____~~

~~Date~~

- ~~f. Legal description of preliminary plat;~~
- ~~2. Vicinity Map. A vicinity map sufficient to define the location and boundaries of the proposed subdivision with respect to surrounding property, streets, and other major manmade and natural features shall appear on the preliminary plat;~~
- ~~3. Existing Geographic Features. Except as otherwise specified herein, the following existing geographic features shall be drawn lightly in relation to proposed geographic features:~~
 - ~~a. The boundaries of the property to be subdivided, and the boundaries of any adjacent property under the same ownership as the land to be subdivided, to be indicated by bold lines;~~
 - ~~b. All existing property lines lying within the proposed subdivision which are to be vacated, and all existing property lines lying within 100 feet of the property to be subdivided or within 100 feet of property lying adjacent to and under the same ownership as the property to be subdivided;~~
 - ~~c. The location, right-of-way widths, pavement widths, and names of all existing or platted streets, whether public or private, and other public ways within or adjacent to the proposed subdivision;~~
 - ~~d. The location, widths and purposes of any existing easements, including recording numbers, lying within or adjacent to the proposed subdivision;~~
 - ~~e. The location and size of existing sanitary sewer, storm sewer and water lines lying within or adjacent to the proposed subdivision;~~
 - ~~f. The location of existing section and municipal corporation boundary lines lying within or adjacent to the proposed subdivision;~~

~~g. The location of any well used for domestic water supply existing within the proposed subdivision or within 500 feet of the boundaries of the proposed subdivision;~~

~~h. Existing contour lines at intervals of five feet for average slopes exceeding five percent, or at intervals of one foot for average slopes not exceeding five percent. Existing contour lines which will be altered through filling or excavation shall be indicated by broken lines (final contour lines shall be indicated by solid lines, as provided by subsection (D)(4)(f) of this section). Contour lines shall be labeled at intervals not to exceed 20 feet, and shall be based upon city datum, e.g., NGVD;~~

~~i. The location of any existing structures lying within the proposed subdivision. Existing structures to be removed shall be indicated by broken lines, and existing structures not to be removed shall be indicated by solid lines;~~

~~j. The location of all areas of FEMA flood designations;~~

~~4. Proposed Geographic Features. The following proposed geographic features shall be shown:~~

~~a. The boundaries and approximate dimensions of all proposed lots, and the proposed identifying number or letter to be assigned to each lot and/or block;~~

~~b. The right-of-way location and width, the proposed name of each street, alley or other public way to be created and adequate horizontal and vertical street geometrics to ensure compliance with city standards;~~

~~c. The location, width and purpose of each easement to be created;~~

~~d. The boundaries, dimensions and area of public and common park and open space areas;~~

~~e. Identification of all areas proposed to be dedicated for public use, together with the purpose and any conditions of dedication;~~

~~f. Proposed final contour lines at intervals of five feet for average slopes exceeding five percent, or at intervals of two feet for average slopes not exceeding five percent. Final contours shall be indicated by solid lines (existing contours which are to be altered shall be shown by broken lines, as provided by subsection (D)(3)(h) of this section). Contour lines shall be labeled at intervals not to exceed 20 feet, shall be based upon city datum e.g., NGVD, and shall be indicated by lines drawn lightly relative to other proposed geographic features;~~

~~5. Additional Information. The following additional information shall be shown on the face of the preliminary plat:~~

~~a. For proposed subdivisions involving residential land uses, a table providing the following information for each distinct residential area:~~

~~i. Proposed land use (e.g., single family, duplex, multifamily);~~

~~ii. Number of dwelling units;~~

~~iii. Gross acreage;~~

~~iv. Existing zoning designation;~~

~~v. Proposed zoning designation;~~

~~vi. Approximate area of smallest lot;~~

~~b. Proposed source of domestic water supply;~~

- c. ~~Proposed sewage disposal system;~~
- d. ~~Typical street cross section(s);~~
- e. ~~Proposed storm drainage system;~~
- f. ~~For preliminary plats that are related to a PUD the following information shall also be provided:~~
 - i. ~~The ordinance and contract of the PUD rezone if previously done.~~
 - ii. ~~The location of perimeter walls and fences on the boundary of the PUD and an indication of the height and materials.~~
 - iii. ~~The location and size of any entrance signs.~~
 - iv. ~~A landscaping plan.~~
 - v. ~~Any covenants not previously approved. (Ord. 5170 § 1, 1998; Ord. 5140 § 1, 1998; Ord. 4840 § 1, 1996; Ord. 4296 § 2, 1988.)~~

~~17.06.030 Public hearing.~~

~~A. Upon receipt of a complete application for preliminary plat approval, the director shall tentatively set a date for a public hearing to be held before the hearing examiner. Every hearing held for the purposes of this chapter shall be open to the public, and a record of the hearing shall be kept and made available for public inspection. A public hearing held under this chapter shall not be continued beyond the originally scheduled date of public hearing unless the applicant consents, in writing, to an extension of the time period allowed for a decision under RCW 58.17.140.~~

~~B. Any notice of public hearing required by this section shall include the hour and location of the hearing and a description of the property to be subdivided. The description may be in the form of either a vicinity location sketch or a written description other than a legal description.~~

~~C. Except as provided in RCW 36.70B.110 at a minimum, the planning director shall cause notice of the hearing to be given in the following manner:~~

~~1. Notice shall be published not less than 10 days prior to the hearing in a newspaper of general circulation within the county where the real property proposed for subdivision is located;~~

~~2. Notice shall be published not less than 10 days prior to the hearing in a newspaper of general circulation in the area where the real property proposed for subdivision is located;~~

~~3. Notice will comply with the applicable provisions of AGC 14.07.040;~~

~~4. Where any boundary of the proposed subdivision lies adjacent to or within one mile of the municipal boundaries of any city or town other than the city of Auburn, notice shall be mailed to the appropriate city or town authorities;~~

~~5. Where the proposed subdivision adjoins the municipal boundaries of the city of Auburn, notice shall be mailed to the appropriate county officials;~~

~~6. Where the proposed subdivision is located adjacent to the right-of-way of a state highway, notice shall be mailed to the Washington State Department of Transportation;~~

~~7. Where the proposed subdivision is located within two miles of a publicly owned airport, notice shall be mailed to the Washington State Secretary of Transportation. (Ord. 5811 § 6, 2003; Ord. 5140 § 1, 1998; Ord. 4840 § 1, 1996; Ord. 4296 § 2, 1988.)~~

~~17.06.040 Administrative review.~~

~~A. The director shall forward to the city engineer, one copy of the proposed preliminary plat, together with copies of any appropriate accompanying documents. The city engineer shall review the preliminary plat as to the adequacy of the pro-~~

~~posed means of sewage disposal and water supply; the conformance of the proposal to any plans, policies or regulations pertaining to streets, utilities; and regarding any other issues related to the interests and responsibilities of the city engineer and the department of public works. The terms of a recommendation for approval submitted to the hearing examiner under this subsection shall not be modified by the director of public works or the city engineer without the consent of the applicant.~~

~~B. The director shall solicit the comments of any other appropriate city department, local utility provider, local school district, and any other appropriate public or private entity, concerning the proposed subdivision. Comments received in a timely manner, as well as any written comments received in response to a notice of public hearing, shall either be transmitted to the hearing examiner or incorporated into a report prepared by the director and submitted to the hearing examiner, prior to the scheduled public hearing.~~

~~C. The director shall ensure that, to the extent possible, the preliminary plat will be processed simultaneously with other approvals related to the subject property. (Ord. 5140 § 1, 1998; Ord. 4840 § 1, 1996; Ord. 4296 § 2, 1988.)~~

~~17.06.050 Hearing examiner review.~~

~~A. Pursuant to the provisions of Chapter 18.66 ACC, the hearing examiner shall within 10 calendar days of the closure of the public hearing approve, deny, or approve with conditions the preliminary plat. The hearing examiner shall not recommend approval of the preliminary plat unless he finds the proposed subdivision is in conformance with the findings of fact as outlined in ACC 17.06.070.~~

~~B. Pursuant to the provisions of ACC 18.66.150, the planning director or any interested party affected by the recommendation of the examiner who asserts that the hearing examiner based that recommendation on an erroneous procedure, errors of law or fact, error in judgment, or the discovery of new evidence which could not be reasonably available at the prior hearing may make a written request for review by the examiner within seven calendar days after the written decision of the examiner has been rendered. The request for reconsideration shall set forth the specific errors relied upon by such appellant, and the examiner may, after review of the record, take further action as the examiner deems proper. The examiner may request further information which~~

~~shall be provided within 10 calendar days of the examiner's request. The examiner's written decision on the request for consideration shall be transmitted to all parties of record within 10 calendar days of receipt of the request for reconsideration or receipt of the additional information requested, whichever is later. (Ord. 6186 § 4, 2008; Ord. 5140 § 1, 1998; Ord. 4840 § 1, 1996; Ord. 4296 § 2, 1988.)~~

~~17.06.060 City council action.~~

~~*Repealed by Ord. 6186. (Ord. 5140 § 1, 1998; Ord. 4840 § 1, 1996; Ord. 4296 § 2, 1988.)*~~

~~17.06.070 Findings of fact.~~

~~Preliminary plats shall only be approved if findings of fact are drawn to support the following:~~

~~A. Adequate provisions are made for the public health, safety and general welfare and for open spaces, drainage ways, streets, alleys, other public ways, water supplies, sanitary wastes, parks, playgrounds and sites for schools and school grounds;~~

~~B. Conformance of the proposed subdivision to the general purposes of the comprehensive plan;~~

~~C. Conformance of the proposed subdivision to the general purposes of any other applicable policies or plans which have been adopted by the city council;~~

~~D. Conformance of the proposed subdivision to the general purposes of this title, as enumerated in ACC 17.02.030;~~

~~E. Conformance of the proposed subdivision to the Auburn zoning ordinance and any other applicable planning or engineering standards and specifications as adopted by the city, or as modified and approved as part of a PUD pursuant to Chapter 18.69 ACC;~~

~~F. The potential environmental impacts of the proposed subdivision are mitigated such that the preliminary plat will not have an unacceptable adverse effect upon the quality of the environment;~~

~~G. Adequate provisions are made so the preliminary plat will prevent or abate public nuisances. (Ord. 5140 § 1, 1998; Ord. 4840 § 1, 1996; Ord. 4772 § 1, 1995; Ord. 4296 § 2, 1988.)~~

~~17.06.080 Notice of decision to applicant.~~

~~Following the decision of the hearing examiner approving or rejecting a preliminary plat, the director shall notify the applicant of the decision. The notice shall be accompanied by a copy of the decision. If the decision is for approval or approval with conditions, the notice shall advise the applicant to prepare an improvement method report, as described by Chapter 17.08 ACC, and shall inform the applicant regarding the applicable time limitations on final plat submittal. This notice of decision is in addition to any notice of decision required~~

~~under ACC Title 14. (Ord. 6186 § 5, 2008; Ord. 5140 § 1, 1998; Ord. 4840 § 1, 1996; Ord. 4296 § 2, 1988.)~~

~~17.06.090 Transfer of property.~~

~~If performance of an offer or agreement to sell, lease, or otherwise transfer a lot, tract or parcel of land following preliminary plat approval but prior to final plat approval, is expressly conditioned on the recording of the final plat containing the lot, tract or parcel under this chapter, the offer or agreement does not violate any provision of this chapter. All payments on account of an offer or agreement conditioned as provided in this section shall be deposited in an escrow or other regulated trust account and no disbursement to sellers shall be permitted until the final plat is recorded. (Ord. 5140 § 1, 1998; Ord. 4840 § 1, 1996; Ord. 4296 § 2, 1988.)~~

~~17.06.100 Adjustments of an approved preliminary plat.~~

~~A. Minor Adjustments. Minor adjustments may be made and approved by the planning director. Minor adjustments are those which may affect the precise dimensions of the plat but which do not affect the basic character or arrangement of the lots and streets. Such dimensional requirements shall not vary more than 10 percent from the original. The adjustments cannot be inconsistent with the requirements of the preliminary plat approval. The adjustments cannot cause the subdivision to be in violation of this title, the zoning ordinance, any other applicable city land use control, Chapter 58.17 RCW, or any other applicable state law or regulation.~~

~~B. Major Adjustments. Major adjustments are those when determined by the planning director, substantially change the basic design, layout, open space or other requirements of the plat. When the planning director determines a change constitutes a major adjustment, a new application for a preliminary plat is required and shall be processed as a new and separate application. (Ord. 5140 § 1, 1998; Ord. 4840 § 1, 1996; Ord. 4296 § 2, 1988.)~~

~~17.06.110 Time limitations.~~

~~A. A preliminary plat, approved on or subsequent to April 17, 1995, shall be valid for a five-year period following approval of the preliminary plat. The hearing examiner may allow incremental one-year extensions subject to a finding that a good faith effort has been attempted in applying for a final plat. A good faith effort is defined to be at minimum the submittal of complete engineering construction drawings to the city. At the same time the hearing examiner is considering the extension he may also add, alter or delete any conditions or requirements that were made part of the preliminary plat approval.~~

~~B. A plat granted preliminary approval, but not filed for final plat approval within the applicable time period or extended time period, shall be null and void. (Ord. 6186 § 6, 2008; Ord. 5140 § 1, 1998; Ord. 4840 § 1, 1996; Ord. 4296 § 2, 1988.)~~

Chapter 17.08
BOUNDARY LINE ELIMINATIONS IMPROVEMENT METHODS

Sections:

17.08.010 Purpose. Improvement methods.

17.08.020 Review process. City engineer's certificate of improvements.

17.08.030 Applications.

17.08.040 Drawing requirements.

17.08.050 Recordation.

17.08.010 Purpose.

The purpose of a boundary line elimination is to remove one or more interior lot lines of a parcel comprised of two or more separate lots with contiguous ownership.

17.08.020 Review process.

A. A boundary line elimination shall be reviewed in accordance with ACC Title 14 as a Type I decision. Boundary line eliminations shall be reviewed administratively by the department.

B. An application for a boundary line elimination is evaluated on the basis of the information provided by the applicant, and compliance with Title 18, zoning. No other review process under this title shall be required for boundary line eliminations.

17.08.030 Application.

Applications for boundary line eliminations shall be submitted to the department as described below and shall include the following information:

A. Application materials as noted in ACC 17.02.065;

B. A document entitled, "Declaration of lot combination." This document shall contain the following:

a. Existing and revised lot descriptions;

b. Existing property lines;

c. Revised property lines;

d. Signature line for all property owners; and,

e. A notary block.

C. A scaled drawing(s) prepared and stamped by a professional surveyor licensed in the State of Washington clearly showing the existing and revised property lines;

D. A title report, with liability for errors not to exceed the assessed value of the lots on the date of application. The title report shall be issued no more than 30 days prior to the application date. The city may request an updated title report prior to approval at its discretion; and

E. The existing and proposed legal description for the affected parcels, which shall be prepared by a professional land surveyor licensed in the State of Washington.

17.08.040 Recordation.

All approved boundary line eliminations shall be transmitted to the appropriate county office for recording. A copy of the documents, stamped with the recording number, shall be forwarded to the applicant, the file, and the county department of assessments for assessment purposes. All fees for such recording shall be paid by the applicant prior to recording.

17.08.010 Improvement methods.

~~Following preliminary plat approval and approval of all plans required by Chapter 17.12 ACC, and prior to submission of an application for final plat approval, the applicant/plat developer shall guarantee the public improvements required for the plat are completed by one of the following methods:~~

~~A. By furnishing to the city an assignment of funds or an irrevocable letter of credit or other similar security satisfactory to the city engineer, in which assurance is given the city that the installation of the required public improvements will be carried out as provided by plans submitted and approved pursuant to Chapter 17.12 ACC and in accordance with city standards and specifications, and under the supervision of the city engineer.~~

~~1. The amount of the assignment of funds or irrevocable letter of credit or other security shall be 150 percent of the estimated cost of the required public improvements, as determined by the applicant, and approved by the city engineer. A substantial portion of the required public improvements, subject to the satisfactory security, shall be completed within the initial 18-month period of the satisfactory security for the plat improvements. The remainder of the improvements shall be completed within six months. During construction, the city engineer may allow partial releases of the financial security as construction progresses:~~

~~a. The city engineer shall allow not more than four partial releases of the financial security during plat construction;~~

~~b. The sequencing of partial releases of the financial security is to be determined by the city engineer prior to the acceptance of the security; and~~

~~c. With the exception of the final lift of pavement, the sequencing of partial releases of the financial security is to be tied to the completion of separate or combinations of separate infrastructure elements including the water system, sewer system, storm system, private utilities, curb and gutter, sidewalks and driveways, illumination, and street pavement, as determined by the city engineer; provided, that the city engineer shall endeavor to make sure that the amount of remaining security for the last phase shall be sufficient to cover the amount of reasonable costs the city may incur in completing the remaining work, including but not limited to construction costs, design costs, bidding costs and administrative costs.~~

~~2. The city engineer may allow incremental six-month extensions of the satisfactory security time frame, up to one year beyond the initial two-year period,~~

~~if there are unforeseen circumstances, beyond the control of the plat developer, that do not allow the completion of the public improvements.~~

~~3. As a condition of the plat improvement permitting approval, the developer shall agree that in the case of the developer's default or failure to complete the improvements as per the approved plans and conditions, including time schedules, the city shall have the authority to complete the construction of public improvements utilizing the above described satisfactory security.~~

~~4. The city engineer may further agree to allow the developer to utilize assignment of funds or irrevocable letter of credit or other security acceptable to the city engineer to cover the one-year minimum warranty period.~~

~~B. By the formation of a local improvement district consistent with the provisions of Chapter 3.20 ACC and any other applicable requirement of the city and the state.~~

~~C. By actual installation of improvements in accordance with the provisions of Chapter 17.12 ACC, and in accordance with city standards and specifications and under the supervision of the city engineer.~~

~~D. By a combination of these methods.~~

~~E. For any of the above combinations of methods, other than subsection C, the plat developer shall execute and record against the plat properties, a statement approved by the city attorney which holds the city harmless and limits the city's financial obligation to construct any defaulted private utility facilities and public infrastructure for streets, water utility, sanitary sewer utility, or storm water utility systems to the face value of the bond shall be memorialized on the plat documents. The statement shall also recognize the city's reserved, unilateral rights to establish the schedule for construction of defaulted plat infrastructure. Such statements shall be legally binding upon the heirs and assigns of the developer, subsequent property owners and their heirs and assigns. (Ord. 5670 § 1, 2002; Ord. 5093 § 1, 1998; Ord. 4296 § 2, 1988.)~~

~~17.08.020 City engineer's certificate of improvements.~~

~~After completion of all required improvements and/or the guarantee of the construction of all required improvements, the city engineer shall submit a certificate in duplicate to the planning director stating the required improvements, in accordance with the provisions of this title and in accordance with city standards and specifications, have been completed or guaranteed to the satisfaction of the city engineer. An application for a final plat will not be accepted until the city engineer has signed such certificate of improvements. (Ord. 5093 § 1, 1998; Ord. 4296 § 2, 1988.)~~

Chapter 17.09 **SHORT SUBDIVISIONS**

Sections:

- 17.09.010 General provisions.
- 17.09.020 Preapplication conference.
- 17.09.030 Preliminary Application.
- 17.09.035 Survey.
- 17.09.040 Reserved.
- 17.09.050 Development requirements.
- 17.09.060 Preliminary Short Subdivision Approval.
- 17.09.070 Final Short Subdivision Approval.
- 17.09.080 Distribution and filing.
- 17.09.090 Conditional Approval Requirements.
- 17.09.100 Release of Improvement Guarantee.
- 17.09.110 Time limitations.

17.09.010 General provisions.

Every short subdivision shall comply with the provisions of this chapter. Land shall be divided by the short subdivision method according to the provisions of this title, if the three following criteria are met:

A. The division will not result in the creation of more than four lots;

B. The original tract being divided has not been created by a short subdivision within the previous five years, except that when the short subdivision contains fewer than four parcels, a revised short subdivision may be filed within the five-year period to create up to a total of four lots within the original short subdivision boundaries.

C. The entire original tract (except adjacent platted or short subdivided land) shall be included within one short subdivision application; provided, that a pre-existing, unplatted adjacent parcel may also be excluded if it is 20 acres or greater in size. (Ord. 6006 § 3, 2006; Ord. 5164 § 1, 1998; Ord. 4840 § 1, 1996; Ord. 4296 § 2, 1988.)

17.09.020 Preapplication conference.

Persons considering making application to short subdivide land are encouraged to request a preapplication conference with appropriate city staff. Preapplication conferences may be requested by filing necessary materials as required by the planning director. (Ord. 6006 § 3, 2006; Ord. 5164 § 1, 1998; Ord. 4840 § 1, 1996; Ord. 4296 § 2, 1988.)

17.09.030 Preliminary Application.

In addition to the requirements for submitting applications as set forth in ACC 14.05.020 and ACC 17.02.065, application materials for preliminary short

subdivision shall include all information specified by the Planning Director in the Preliminary Short Subdivision application and accompanying checklist.:

17.09.035 Survey Requirements.

A. A licensed professional land surveyor licensed in the State of Washington shall complete all lot staking prior to the recording of the short subdivision.

B. All lot corners, including interior lot corners, shall be marked with a permanent marker that bears the land surveyor's registration number. When the boundary lines follow a meandering line, the "corners" shall be set as directed by the city of Auburn.

C. When the legal description of the short subdivision utilizes partial or complete section subdivisional breakdown to establish the boundaries, section subdivision survey information shall be shown in accordance with the requirements of WAC 332-130-030.

D. All reference monuments used in the establishment of the short subdivision corners shall be identified, described and noted as set or found. When appropriate, the survey shall reference previous surveys that served as the basis for the survey.

E. When the short subdivision is adjacent to a constructed public right-of-way and the plat corners or its offset represent a quarter corner, section corner or donation land claim that is not of record or has been lost (or obliterated), a standard monument shall be placed.

F. Whenever a short subdivision is adjacent to existing right-of-way, the centerline of the right-of-way shall be located on the plat drawing. If the constructed improvements fall outside of the documented right-of-way, the surveyor shall identify the existing edge of the pavement and limits of the maintained right-of-way section on the drawing and show its relationship to said centerline.

G. All requirements of Chapter 58.09 RCW and Chapter 332-130 WAC governing minimum standards for land boundary surveys shall be met and a note shall be placed that reads:

THIS SURVEY COMPLIES WITH ALL THE STANDARDS AND GUIDELINES OF THE "SURVEY RECORDING ACT" CHAPTER 58.09 RCW AND WAC 332-130.

(Ord. 6006 § 3, 2006.)

H. The side lot lines of each lot, which if extended would intersect with the curb, shall be marked on the curb.

17.09.040 Reserved.

17.09.050 Development requirements.

A. Lot Area and Dimensions. Each lot created by short subdivision shall contain sufficient square footage and lot dimensions to meet the requirements of ACC Title 18. Each lot to be served by an on-site sewage disposal system shall

be a minimum of 15,000 square feet in area and shall also meet the minimum lot area requirements of the county department of health rules and regulations. Land contained in access easements, tracts or panhandles shall not be included in lot area or lot dimension calculations for the purposes of this section.

B. Every lot within a short subdivision shall be capable of being served by public or private sewage disposal, water, storm drainage facilities and streets. The city will not approve a short subdivision for which a building permit cannot be issued because of insufficient infrastructure.

C. Conformance with Adopted Plans. Street, water, sewer and storm drainage facilities adjacent to or within the short subdivision shall be in conformance with adopted city ordinances, standards and policies. Easements for utilities recommended by such plans shall be provided to the city, with the exact location of such easements to be determined by the city engineer.

D. Floods, Flood Control and Storm Drainage.

1. Where any portion of the proposed short subdivision lies within an area of special flood hazard or regulatory floodway, conformance with adopted city flood hazard area ordinances, standards and policies shall be required.

2. A conceptual storm drainage/site grading plan shall be required to be submitted, as part of the short subdivision application, unless waived by the city engineer.

E. Adjacent Streets. When any public street lying adjacent to the property being short subdivided has insufficient width or for any other reason does not conform to minimum street standards, in accordance with the City design and construction standards, sufficient additional right-of-way shall be dedicated to the city and appropriate improvements shall be made by the subdivider to conform the abutting half of the street to such standards consistent with ACC 12.64A. Deferral of such improvement requirements shall be in conformance with ACC 12.64A.

F. Access.

1. All short subdivisions shall border on an opened, constructed and maintained public street. All lots within a short subdivision shall either border on an opened, constructed and maintained public street or shall be served by a private street, access easement, tract or panhandle having direct access to such a public street. Where private streets and access easements are provided, they shall be in conformance with the city of Auburn design and construction standards.

2. All private streets, access easements and panhandles shall be capable of meeting the fire access requirements of Chapter 15.36A ACC and the development standards of Chapters 18.31 ACC and 17.14 ACC, in addition to any other requirements of this title, including, but not limited to, an adequate surface for access and minimum turnaround requirements on dead-end streets or access easements as specified by the fire department.

G. Dedication of Streets.

1. Dedication of a public street or streets may be required, whenever the City Engineer finds that one or more of the following conditions applies:

a. The general alignment of a proposed private street, access easement or panhandle follows the general alignment of a future arterial as shown in the comprehensive plan; or

b. The general alignment of a proposed private street, access easement or panhandle can be reasonably modified to provide a desirable through-connection between two or more existing or planned public streets or arterials; or

c. A public street would be necessary to provide adequate access to adjacent property not subject to the proposed short subdivision.

H. Fire Hydrants. All lots within a short subdivision shall be capable of being served by a fire hydrant as required by Chapter 13.16 ACC. Property zoned RC, residential conservancy, may be exempt, provided the requirements of ACC 13.16.030 are met. (Ord. 6186 § 12, 2008; Ord. 6006 § 3, 2006.)

17.09.060 Preliminary Short Subdivision Approval.

A. Preliminary Short Subdivision Approval. The Director or designee shall issue a written decision approving, approving with conditions or denying a preliminary short subdivision. In making a decision, the Director or designee shall use the following criteria in deciding on an application:

1. Consistency with RCW 58.17 (Plats-Subdivisions-Dedications);
2. Consistency with applicable provisions of the City of Auburn Comprehensive Plan;
3. Consistency with the City of Auburn Capital Facilities Plan;
4. Consistency with the City of Auburn Engineering Design and Construction Standards;
5. Consistency with applicable provisions of Title 12 (Streets, Sidewalks and Public Works
6. Consistency with applicable provisions of Title 13 (Water, Sewers and Public Utilities)
7. Consistency with applicable provisions of Title 15 (Building and Construction)
8. Consistency with applicable provisions of Title 16 (Environmental)
9. Consistency with applicable provisions of Title 18 (Zoning)
10. Consistency with applicable provisions of Title 19 (Impact Fees)

B. Upon receiving a complete application for short subdivision approval, the planning director shall transmit a copy of the short subdivision together with copies of any accompanying documents as the director deems appropriate, to the following:

1. City engineer, who shall review the proposed short subdivision with regard to its conformance to the general purposes of adopted traffic and utility plans; adequate provisions for storm drainage, streets, alleys, other public ways, water and sanitary sewer; and conformance to any applicable

- improvement standards and specifications and compliance with Chapter 58.09 RCW and Chapter 332-130 WAC;
2. Fire Marshal, who shall review the proposed short subdivision with regard to adequate provisions for emergency access and fire suppression requirements;
 3. City building official, who shall assess building code compliance issues, as applicable addressing requirements for each lot within the proposed short subdivision;
 4. Any other city department, utility provider, school district or other public or private entity as the director deems appropriate.
- C. Conditions and Restrictions. The Director or designee shall include in the written decision any conditions and restrictions that he or she determines are reasonably necessary to mitigate any undesirable impacts of granting approval. Any conditions and restrictions that are included by the Director or designee become part of the decision and are enforceable.
- D. Contents of Written Decision. The Director or designee shall include the following in the written decision:
1. A statement granting, modify and granting with condition or denying the short subdivision application.
 2. Any conditions or restrictions imposed as part of the approval of the short subdivision application.
 3. A statement of facts presented to the Director that support the decision, including any conditions and restrictions that are imposed.
 4. A statement of the director's conclusions based on those facts.
 5. A statement of the criteria used by the Director in making the decision.
 6. A statement of any threshold determination made under the State Environmental Policy Act, Chapter 43.21C RCW, if applicable.
 7. The date of the decision.
 8. A summary of the rights, as established in this chapter, of the applicant and others to request consideration and to appeal the decision of the Director.

17.09.070 Final Short Subdivision Approval

- A. Timeframe for Final Short Subdivision Approval. A final short subdivision meeting all requirements of this title and the conditions and requirements of the written decision granting preliminary short subdivision approval shall be submitted to the Auburn Planning, Building and Community Department within five years of the date of preliminary short subdivision approval, unless otherwise extended by the Director or designee.
- B. Procedures. Final short subdivision applications shall be processed as a Type II land use action.

C. Application. An application for final short subdivision approval meeting all requirements of Chapter 58.17 RCW and this title shall be submitted to the Department of Planning, Building and Community accompanied by the following:

1. Application materials consistent with the requirements of ACC 17.02.065.
2. A copy of the approved preliminary short subdivision.
3. A final short subdivision drawing meeting the requirement of RCW 58.17, including certifications, dedications, and title reports;
4. Agency recommendations pursuant to RCW 58.17.150;
5. A recordable survey and surveyor's signature meeting the requirements of RCW 58.09 and RCW 58.17.250. The map and legal descriptions included in the application for final short subdivision shall be prepared and certified by a professional land surveyor licensed in the State of Washington in a format acceptable to the city of Auburn and the Survey Recording Act.
6. A title insurance report, not older than 30 days prior to the date of application, confirming that the title of the land in the proposed subdivision is vested in the name of the owners whose signatures appear on the final short subdivision's certificate;
7. Computation data for all lots, streets and easements located within the plat;
8. Failure of an applicant to submit all required application materials shall be considered a lack of compliance with this section, and the Director or designee may withhold the application from further consideration until such time as the application is complete.
9. Declaration blocks shall be provided for the original tract owner, surveyor, approving governmental agencies, and recording certification, in a manner as prescribed by the director.
10. Proof of the date of last legal segregation of the parcel of land to be short subdivided, if deemed necessary by the planning director;
11. Copy of restrictions, if any, to be imposed upon the use of the land. Such restrictions must be recorded simultaneously with the short subdivision;
12. In any short subdivision where lots are served or to be served by a private road, the subdivider shall furnish a copy of such further covenants or documents that will result in:
 - a. Each lot owner having access thereto and having responsibility for maintenance of any private road contained within the short subdivision in such a condition as to allow free access for emergency vehicles;
 - b. Such covenants or documents shall obligate any seller to give actual notice to any prospective purchaser of the method of maintenance of the private road, which notice shall be caused to be included in any deeds or contracts relating to such sale and such covenants or documents shall be recorded simultaneously with the short subdivision.

- D. Preparation. The final short subdivision shall be prepared by a professional land surveyor licensed by the state of Washington. The preparer shall, by placing his or her signature and stamp upon the face of the final short subdivision, certify that the final short subdivision is a true and correct representation of the land actually surveyed by the preparer, that the existing monuments shown thereon exist as located and that all dimensional and geodetic details are correct.
- E. Scale and Format. The final plat shall be drawn with reproducible ink on Mylar measuring 18 inches by 24 inches in size, with a one-inch border on one edge and a one-half inch border for the other three edges for projects in King County and measuring 18 inches by 24 inches with a two-inch border on the left edge and a one-half inch border for the other three edges for projects in Pierce County. The final short subdivision shall be accurate, legible and drawn to an engineering (decimal) scale of 100 feet or fewer to the inch. If more than one sheet is required, an index sheet showing the entire subdivision with street and highway names and block numbers (if any) shall be provided. Each sheet, including the index sheet, shall be of the above-specified size. All signatures or certifications appearing on a final short subdivision shall be in reproducible black ink.
- F. Final Short Subdivision Contents. A final short subdivision drawing shall contain the following information:
1. The name of the short subdivision, if applicable;
 2. Legal description of the property being subdivided;
 3. Numeric scale, graphic scale, basis of bearings and date of preparation of the final short subdivision;
 4. The boundary line of the short subdivision, referenced to city datum in accordance with city design and construction standards and based on an accurate traverse, with angular and linear dimensions and bearings;
 5. The exact location, width and assigned name of all streets, alleys and other public ways within and adjacent to the short subdivision;
 6. A table depicting the assigned address for each lot within the short subdivision;
 7. The exact location, width and purpose of all easements and dedications for rights-of-way provided for public and private services and utilities;
 8. True courses and distances to the nearest established street lines, or section or quarter section corner monuments which shall accurately locate the short subdivision;
 9. Municipal, township, county or section lines accurately tied to the lines of the plat by distances and courses;
 10. All lot and block numbers and lines, with accurate dimensions in feet and hundredths of feet;
 11. The radii, internal angles, points of curvature, tangent bearings and lengths of all arcs;

12. The accurate location of each permanent control monument. One such monument shall be located at each and every controlling corner on the boundaries of the parcel of land being subdivided; at each street centerline intersection, each point of curvature (PC), each point of tangency (PT), and each point of reverse curve (PRC); and at each intersection of a street centerline with a plat boundary;
13. All plat meander lines or reference lines along bodies of water shall be established above, but not farther than 20 feet from, the high water line of such body;
14. Accurate outlines and legal descriptions of any areas to be dedicated or reserved for public use, with the purposes of such dedication or reservation and any limitations indicated thereon and in the dedication;
15. Accurate outlines of any areas to be reserved by deed covenant for common use of owners of property within the subdivision, together with the purposes of such reservation;
16. Any restrictions or conditions on the lots or tracts within the short subdivision, as required by the Director, or at the discretion of the property owner;
17. A signed certification stating that the short subdivision has been made with the free consent, and in accordance with the desires, of the owner or owners. If the short subdivision includes a dedication, the certificate or a separate written instrument shall contain the dedication of all streets and other areas to the public, any individual or individuals, religious society or societies, or to any corporation, public or private, as shown on the plat, and a waiver of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage or maintenance of said street or other areas so dedicated. Such certificate or instrument shall be signed and acknowledged before a notary public by all parties having any interest in the lands subdivided. An offer of dedication may include a waiver of right of direct access to any street from any property. Such waiver may be required by the city engineer as a condition of approval. Roads not dedicated to the public must be clearly marked on the face of the plat. Any dedication, donation or grant as shown on the face of the plat shall be considered as a quit claim deed to the said donee or grantee for use for the purpose intended by the donation or grant. At the discretion of the city engineer conveyances of right-of-way may be required to be by statutory warranty deed. The acceptance of right-of-way by the city shall not obligate the city to improve or develop the lands in the right-of-way;
18. Forms for the appropriate certifications of the city engineer and planning director, as follows:

CITY ENGINEER'S CERTIFICATE

I hereby certify that this short plat is in compliance with the certificate of improvements issued pursuant to ACC 17.14.015, and is consistent with all applicable City improvement standards and requirements in force on the date of preliminary short plat approval, this _____ day of _____, 20____.

Auburn City Engineer

PLANNING DIRECTOR'S CERTIFICATE

I hereby certify on this _____ day of _____, 20____, that this final plat is in substantial conformance with the preliminary plat and any conditions attached thereto, which preliminary short plat was approved on the _____ day of _____, 20____.

20. A form for the approval of the applicable county (King/Pierce) assessor, as follows or as required by the applicable county, if different:

ASSESSOR'S APPROVAL

Examined and approved this _____ day of _____, 20____.

County Assessor

Deputy County Assessor

Account number

21. A form for the certificate of the applicable county recorder (King/Pierce), as follows or as required by the applicable county, if different:

RECORDING CERTIFICATE

Filed for record at the request of the City of Auburn this _____ day of _____, 20____ at _____ minutes past _____ M., and recorded in Volume _____ of Plats, page _____ Records of (King or Pierce) County, Washington.

County Recording Number _____.

Manager

Superintendent of Records

22. Any additional pertinent information as required at the discretion of the city engineer or planning director.

G. Decision-making Criteria for Final Short Subdivision Approval. The following criteria shall be used by the Director or designee in consideration of final short subdivision approval:

1. Whether conditions imposed when the preliminary short subdivision was approved have been met;
2. The completion of the required improvements or their financial guarantee in conformance with Chapter 17.14
3. Whether the final short subdivision is in conformance with the city's zoning regulations and all other applicable land use regulations;
4. The Director or designee shall not approve a final short subdivision shall until he or she determines that it conforms to the approved preliminary short subdivision and any conditions and restrictions imposed at time of preliminary approval.

17.09.080 Distribution and filing.

The Mylar original of the approved final short subdivision shall be forwarded to the appropriate county office for recording. The final short subdivision must be recorded within 30 days or the final short subdivision shall become null and void. A recorded Mylar copy shall be provided to the city and applicant. (Ord. 6061 § 4, 2006; Ord. 6006 § 3, 2006; Ord. 5164 § 1, 1998; Ord. 4840 § 1, 1996; Ord. 4296 § 2, 1988.)

17.09.090 Conditional approval requirements.

Where a short subdivision is approved subject to conditions, no building permit shall be issued for property subject to the short subdivision prior to the conditions either being fulfilled or guarantees provided to ensure the conditions are met. (Ord. 6006 § 3, 2006; Ord. 5164 § 1, 1998; Ord. 4840 § 1, 1996; Ord. 4296 § 2, 1988.)

17.09.0100 Release of improvement guarantee.

If the required public improvements have been financially secured as provided in ACC 17.14.060(B), such guarantee will be released in conformance with the applicable facility extension agreement as required in ACC 13.40.

17.09.110 Time limitations.

A. Preliminary approvals for short subdivisions shall be valid for a period of five years following the date of the notice of final decision.

B. Extensions. The Director or designee may administratively authorize through a Type I land use action extensions to preliminary short subdivision approvals. For purposes of this Section the authority to issue extensions shall apply to preliminary short subdivision approvals previously issued by the City. Extensions shall be issued in one (1) year increments up to a maximum of three (3) years, subject to the following criteria and conditions:

1. An applicant for an extension shall make a written request for the extension a minimum of thirty (30) calendar days prior to expiration of the preliminary short subdivision approval.

2. The Director or designee shall in consideration of granting an extension find:

a. There have not been any substantial changes in the laws governing the development of the short subdivision, with which lack of compliance would be contrary to the public health, safety and welfare; or

b. The applicant has pursued final platting in good faith. Good faith shall be evidenced by progress on final surveying, engineering, construction or bonding of improvements; or

c. There have been substantial changes in economic conditions and market forces that have substantively limited the ability of the applicant to pursue final platting.

3. A condition of any extension approval shall be that the subject short subdivision shall comply with state or federal mandates required of the City and/or life, health and safety requirements of the City in effect at the time of any extension approval.

C. At the same time the Director or designee is considering the extension he or she may add conditions or requirements upon factual determination that the addition of conditions or requirements will benefit the public health, safety and welfare.

D. A short subdivision granted preliminary approval, but not filed for final plat approval within the applicable time period or extended time period, shall be void.

Chapter 17.10
PRELIMINARY SUBDIVISIONS FINAL PLATS

Sections:

- 17.10.010 Preapplication conference. Application submittal and contents.
- 17.10.020 Application, submittal and contents. Administrative review.
- 17.10.030 Review process. City council action.
- 17.10.040 Administrative review. Terms of approval.
- 17.10.050 Hearing examiner review of preliminary plats. Distribution and filing.
- ~~17.10.060 Transfer of ownership.~~
- 17.10.070 Findings of fact. Building, occupancy and model home permits.
- 17.10.080 Notice of decision to applicant. Release of improvement guarantee.
- 17.10.090 Transfer of property.
- 17.10.100 Adjustments of an approved preliminary plat.
- 17.10.110 Time limitations.
- 17.10.120 Development standards for panhandle lot access and private access tracts.

17.10.010 Preapplication conference.

Persons considering making application to subdivide land lying within the city of Auburn are encouraged to file a request for a preapplication conference be held with appropriate city staff. Such request shall be directed to the planning director, and upon its receipt the director shall schedule a conference between the prospective applicant and appropriate city staff. The purpose of a preapplication conference is for the prospective applicant and city staff to gain a common understanding of the nature of the contemplated subdivision and subsequent development, and any procedures, rules, standards and policies which may apply. The prospective applicant is encouraged to bring to the conference whatever information deemed appropriate to help describe the existing nature of the site and its surroundings and the proposed nature of the contemplated land division and subsequent development. Such information may include photographs, sketches and maps. The director or the prospective applicant may request that an additional conference or conferences be held to further the purpose of this section. (Ord. 5140 § 1, 1998; Ord. 4840 § 1, 1996; Ord. 4296 § 2, 1988.)

17.10.020 Application, submittal and contents.

A. Application. In addition to the requirements for a completed application as provided in ACC Title 14, application for subdivision approval shall include:

1. Application requirements found in ACC 17.02.065;

2. A preliminary plat meeting the requirements of RCW 58.17.160 for a preliminary subdivision;

3. A neighborhood circulation plan meeting the requirements of ACC 17.16;

4. Where any lot is proposed to be served by an on-site sewage disposal system, results of preliminary percolation tests for each such proposed lot, conducted under the county department of health rules and regulations.

5. A conceptual utility/site grading plan and/or methodology prepared in accordance with the city's comprehensive plans, standards or ordinance requirements. The conceptual utility/site grading plan shall include adequate horizontal and vertical information to insure that utilities can be constructed consistent with the preliminary plat layout;

6. The location of other utilities other than those provided by the city.

7. The application shall include a transportation site plan for streets, pedestrian, and bike facilities. The site plan shall include adequate horizontal and vertical information to insure the transportation facilities can be constructed consistent with the preliminary plat layout.

8. A title report, with liability for errors not to exceed the assessed value of the lots on the date of application. The title report shall be issued no more than 30 days prior to the application date.

9. Copy of restrictions, if any, to be imposed upon the use of the land. Such restrictions must be recorded simultaneously with the subdivision;

B. Preparation. The preliminary plat or short plat shall be prepared by a professional engineer or professional land surveyor registered or licensed by the state of Washington. The preparer shall, by placing his or her signature and stamp upon the face of the plat, certify that all information is portrayed accurately and that the proposed subdivision or short subdivision complies with the standards and requirements of this title, the Auburn zoning ordinance and any other applicable land use and development controls.

C. Scale and Format. The preliminary plat shall be drawn with reproducible black ink on Mylar. All geographic information portrayed by the preliminary plat shall be accurate, legible, and drawn to an engineering (decimal) scale.

D. Preliminary Plat Contents. A preliminary plat shall provide the following information:

1. General Information. The following information shall appear on each sheet of a preliminary plat or short plat:

a. The name of the proposed subdivision, together with the words "preliminary plat";

b. The name and address of the applicant;

c. The name, address, stamp and signature of the professional engineer or professional land surveyor who prepared the preliminary plat or short plat;

d. Numeric scale, graphic scale, true north point and date of preparation;

e. a form for the endorsement of the planning director, as follows:

APPROVED BY RESOLUTION _____ OF THE CITY COUNCIL ON
(Date) _____

Director, Planning and Community Development Dept.

Date

f. Legal description of preliminary plat;

2. Existing Geographic Features. Existing geographic features, as detailed in City application requirements shall be drawn lightly in relation to proposed geographic features;

3. Proposed Geographic Features. Proposed geographic features as detailed in City application requirements shall be shown;

4. Additional Information. The following additional information shall be shown on the face of the preliminary plat:

a. For proposed subdivisions involving residential land uses, a table providing the following information for each distinct residential area:

i. Proposed land use (e.g., single-family, duplex, multifamily);

ii. Number of dwelling units;

iii. Gross acreage;

iv. Existing zoning designation;

v. Proposed zoning designation;

vi. Approximate area of smallest lot;

b. Proposed source of domestic water supply;

c. Proposed sewage disposal system;

d. Typical street cross section(s);

e. Proposed storm drainage system;

f. For preliminary plats that are related to a Planned Unit Development (PUD) the following information shall also be provided:

i. The ordinance and contract of the PUD rezone if previously done.

ii. The location of perimeter walls and fences on the boundary of the PUD and an indication of the height and materials.

iii. The location and size of any entrance signs.

iv. A landscaping plan.

v. Any covenants not previously approved.

17.10.030 Review process.

A. A preliminary plat shall be reviewed in accordance with ACC Title 14 as a Type III decision.

17.10.040 Administrative review.

A. The director shall transmit copies of the proposed preliminary plat to the city engineer, together with copies of any appropriate accompanying documents. The city engineer shall review the preliminary plat as to the adequacy of the proposed means of sewage disposal and water supply; the conformance of the proposal to any plans, policies or regulations pertaining to streets, utilities; and regarding any other issues related to the interests and responsibilities of the city engineer and the department of public works.

B. The director shall solicit the comments of any other appropriate city department, local utility provider, local school district, and any other appropriate public or private entity, concerning the proposed subdivision. Comments received in a timely manner, as well as any written comments received in response to a notice of public hearing, shall either be transmitted to the hearing examiner or incorporated into a report prepared by the director and submitted to the hearing examiner, prior to the scheduled public hearing.

C. The director shall ensure that, to the extent possible, the preliminary plat will be processed simultaneously with other approvals related to the subject property. (Ord. 5140 § 1, 1998; Ord. 4840 § 1, 1996; Ord. 4296 § 2, 1988.)

17.10.050 Hearing examiner review of preliminary plats.

A. Pursuant to the provisions of Chapter 18.66 ACC, the hearing examiner shall within 10 calendar days of the closure of the public hearing approve, deny, or approve with conditions the preliminary plat. The hearing examiner shall not recommend approval of the preliminary plat unless he finds the proposed subdivision is in conformance with the findings of fact as outlined in ACC 17.10.070.

B. Pursuant to the provisions of ACC 18.66.150, the planning director or any interested party affected by the recommendation of the examiner who asserts that the hearing examiner based that recommendation on an erroneous procedure, errors of law or fact, error in judgment, or the discovery of new evidence which could not be reasonably available at the prior hearing may make a written request for review by the examiner within seven calendar days after the written decision of the examiner has been rendered. The request for reconsideration shall set forth the specific errors relied upon by such appellant, and the examiner may, after review of the record, take further action as the examiner deems proper. The examiner may request further information which shall be provided within 10 calendar days of the examiner's request. The examiner's written decision on the request for reconsideration shall be transmitted to all parties of record within 10 calendar days of receipt of the request for reconsideration or receipt of the additional information requested, whichever is later. (Ord. 6186 § 4, 2008; Ord. 5140 § 1, 1998; Ord. 4840 § 1, 1996; Ord. 4296 § 2, 1988.)

17.10.070 Findings of fact.

Preliminary plats shall only be approved if findings of fact are drawn to support the following:

A. Adequate provisions are made for the public health, safety and general welfare and for open spaces, drainage ways, streets, alleys, other public ways, water supplies, sanitary wastes, parks, playgrounds and for schools;

B. Conformance of the proposed subdivision to the general purposes of the comprehensive plan;

C. Conformance of the proposed subdivision to the general purposes of any other applicable policies or plans which have been adopted by the city council;

D. Conformance of the proposed subdivision to the general purposes of this title, as enumerated in ACC 17.02.030;

E. Conformance of the proposed subdivision to the Auburn zoning ordinance and any other applicable planning or engineering standards and specifications as adopted by the city, or as modified and approved as part of a previously approved PUD ;

F. The potential environmental impacts of the proposed subdivision are mitigated such that the preliminary plat will not have an unacceptable adverse effect upon the quality of the environment;

G. Adequate provisions are made so the preliminary plat will prevent or abate public nuisances. (Ord. 5140 § 1, 1998; Ord. 4840 § 1, 1996; Ord. 4772 § 1, 1995; Ord. 4296 § 2, 1988.)

17.10.080 Notice of decision to applicant.

Following the decision of the hearing examiner approving or rejecting a preliminary plat, the director shall notify the applicant of the decision. The notice shall be accompanied by a copy of the decision. If the decision is for approval or approval with conditions, the notice shall advise the applicant to prepare an improvement method report, as described by Chapter 17.14 ACC, and shall inform the applicant regarding the applicable time limitations on final plat submittal. This notice of decision is in addition to any notice of decision required under ACC Title 14. (Ord. 6186 § 5, 2008; Ord. 5140 § 1, 1998; Ord. 4840 § 1, 1996; Ord. 4296 § 2, 1988.)

17.10.090 Transfer of property.

If performance of an offer or agreement to sell, lease, or otherwise transfer a lot, tract or parcel of land following preliminary plat approval but prior to final plat approval, is expressly conditioned on the recording of the final plat containing the lot, tract or parcel under this chapter, the offer or agreement does not violate any provision of this chapter. All payments on account of an offer or agreement conditioned as provided in this section shall be deposited in an escrow or other regulated trust account and no disbursement to sellers shall be permitted until the final plat is recorded. (Ord. 5140 § 1, 1998; Ord. 4840 § 1, 1996; Ord. 4296 § 2, 1988.)

17.10.100 Adjustments of an approved preliminary plat.

A. Minor Adjustments. Minor adjustments may be made and approved by the planning director. Minor adjustments are those which may affect the precise dimensions of the plat but which do not affect the basic character or arrangement of the lots and streets. Such dimensional requirements shall not vary more than 10 percent from the original. The adjustments cannot be inconsistent with the requirements of the preliminary plat approval. The adjustments cannot cause the subdivision to be in violation of this title, the zoning ordinance, any other applicable city land use control, Chapter 58.17 RCW, or any other applicable state law or regulation. Minor adjustments shall be reviewed for consistency with this chapter and the regulations of this Title, as well as the following criteria:

1. The adjustment maintains the design intent or purpose of the original approval; and
2. The adjustment maintains the quality of design or product established by the original approval; and
3. The adjustment does not cause a significant environmental or land use impact on or beyond the site; and
4. The adjustment is not precluded by the terms of this Title or by state law from being decided administratively; and
5. Circumstances render it impractical, unfeasible or detrimental to the public interest to accomplish the subject condition or requirement of preliminary plat or short plat approval.

B. Major Adjustments. Major adjustments are those when determined by the planning director, substantially change the basic design, layout, open space or other requirements of the plat. For the purpose of this section, substantial change includes the creation of additional lots, the elimination or significant reduction of open space, change to the overall layout that would change the quality of the design or product, or changes to conditions of approval on an approved preliminary plat. When the planning director determines a change constitutes a major adjustment, a new application for a preliminary plat is required and shall be processed as a new and separate application. (Ord. 5140 § 1, 1998; Ord. 4840 § 1, 1996; Ord. 4296 § 2, 1988.)

17.10.110 Time limitations.

A. Preliminary approvals for subdivisions shall be valid for a period of five years following the date of the notice of final decision.

B. Extensions. The Director or designee may administratively authorize through a Type I land use action extensions to preliminary plat approvals. For purposes of this Section the authority to issue extensions shall apply to preliminary plat approvals previously issued by the City. Extensions shall be issued in one (1) year increments up to a maximum of three (3) years, subject to the following criteria and conditions:

1. An applicant for an extension shall make a written request for the extension a minimum of thirty (30) calendar days prior to expiration of the preliminary plat approval.

2. The Director or designee shall in consideration of granting an extension find:

a. There have not been any substantial changes in the laws governing the development of the plat, with which lack of compliance would be contrary to the public health, safety and welfare; or

b. The applicant has pursued final platting diligently, as evidenced by progress on final surveying, engineering, construction or the financial security of improvements; or

c. There have been substantial changes in economic conditions and market forces that have substantively limited the ability of the applicant to pursue final platting.

3. A condition of any extension approval shall be that the subdivision shall comply with state or federal mandates required of the City and/or life, health and safety requirements of the City in effect at the time of any extension approval.

C. At the same time the Director or designee is considering the extension he or she may add conditions or requirements upon factual determination that the addition of conditions or requirements will benefit the public health, safety and welfare.

D. A plat granted preliminary approval, but not filed for final plat approval within the applicable time period or extended time period, shall be null and void. (Ord. 6186 § 6, 2008; Ord. 5140 § 1, 1998; Ord. 4840 § 1, 1996; Ord. 4296 § 2, 1988.)

17.10.120 Development standards for panhandle lot access and private access tracts.

A. Panhandle Lot Access.

1. The maximum length of a panhandle lot access within the R-5, R-7, R-10, R-16, R-20, RO zones and residential PUDs shall be 150 feet. When there are unique physical limitations of the property including but not limited to steep slopes, significant vegetation, or sensitive environmental areas that would be impacted less if a longer panhandle length were provided then the planning director may allow additional length. The planning director may also allow for additional length if there is an existing intervening parcel of the property (that has a lot depth greater than 150 feet) between the proposed panhandle lot and the abutting street. There shall be no limitation of length within the other zoning districts of the city.

2. All residential and nonresidential panhandle accesses shall meet the standards of the City of Auburn Engineering, Design and Construction Standards Manual.

3. If two panhandle accesses within the same plat abut each other then one common paved driveway, spanning both panhandles, may be provided as part of the two panhandles. The pavement width of the driveway shall be determined using the same methodology as subsection (A)(2) of this section.

4. Not more than two panhandle accesses within the same plat may abut each other. Alternatively, a separate access tract shall be required in lieu of more than two separate panhandle accesses. The separate access tract shall meet the requirements of subsection B of this section.

B. Private Access Tracts and/or Easements.

1. Private access tracts and/or easements will be allowed when it is physically impractical to provide a lot with direct access to a public street due to unique physical limitations of the property including but not limited to steep slopes, significant vegetation, or sensitive environmental areas. If the lot abuts an arterial an access tract may also be allowed to provide an alternate access to the lot if it is impractical to provide for another public street due to the aforementioned physical limitations. The use of access tracts cannot preclude or hinder the alignment of future public streets that would otherwise serve the area.

2. Access tracts can only be created through a plat process pursuant to Chapter 17.10 and 17.09 ACC. Ownership and maintenance responsibilities will also be determined as part of the plat process.

3. The maximum number of lots to be served by one access tract shall be six. If a lot abuts an access tract and a public street then the front lot line shall be oriented to the public.

4. All access tracts and/or easements must connect to a public street and the maximum length shall be 150 feet as measured from the edge of the public street right-of-way. Additional length may be allowed if the unique physical limitations of the property including but not limited to steep slopes, significant vegetation, or sensitive environmental areas would be impacted less if additional length were provided. The access tract shall not allow for through vehicle access.

5. Private access tracts and or easements shall meet City of Auburn design and construction standards.

C. Emergency Access Provisions. Irrespective of the requirements of this section, additional provisions may be required if needed to provide for adequate emergency access as determined by the Auburn fire marshal. The additional provisions may include but not be limited to providing for turnarounds, additional access tract width, fire hydrants or sprinklering of the building. (Ord. 5533 § 1, 2001.)

17.10.010 Application submittal and contents.

A. Application. An application for final plat approval meeting all requirements of Chapter 58.17 RCW and this title shall be submitted to the planning department. The final plat shall be accompanied by a copy of the approved preliminary plat, any documents required by this section and the required fee established by resolution. An application for final plat approval shall be approved or returned to the applicant for corrections within 30 days of its receipt by the department unless the applicant agrees, in writing, to an extension of this time period. The department shall not be considered to be in receipt of an application for final plat

~~approval unless and until such time as the application meets the requirements of this section, as determined by the director.~~

~~B. Preparation. The final plat shall be prepared by a professional land surveyor licensed by the state of Washington. The preparer shall, by placing his or her signature and stamp upon the face of the plat, certify that the plat is a true and correct representation of the land actually surveyed by the preparer, that the existing monuments shown thereon exist as located and that all dimensional and geodetic details are correct.~~

~~C. Scale and Format. The final plat shall be drawn with india ink on Mylar measuring 18 inches by 22 inches in size, allowing one half inch for border. The final plat shall be accurate, legible and drawn to an engineering (decimal) scale of 100 feet or fewer to the inch. If more than one sheet is required, an index sheet showing the entire subdivision with street and highway names and block numbers (if any) shall be provided. Each sheet, including the index sheet, shall be of the above specified size. All signatures or certifications appearing on a final plat shall be in reproducible black ink.~~

~~D. Final Plat Contents. A final plat shall contain the following information:~~

- ~~1. The name of the subdivision;~~
- ~~2. Legal description of the property being subdivided;~~
- ~~3. Numeric scale, graphic scale, true north point and date of preparation of the final plat;~~
- ~~4. The boundary line of the plat, referenced to city datum and based on an accurate traverse, with angular and linear dimensions and bearings;~~
- ~~5. The exact location, width and assigned name of all streets, alleys and other public ways within and adjacent to the subdivision;~~
- ~~6. A table depicting the assigned address for each lot within the subdivision;~~
- ~~7. The exact location, width and purpose of all easements and dedications for rights of way provided for public and private services and utilities;~~
- ~~8. True courses and distances to the nearest established street lines, or section or quarter section corner monuments which shall accurately locate the subdivision;~~
- ~~9. Municipal, township, county or section lines accurately tied to the lines of the plat by distances and courses;~~
- ~~10. All lot and block numbers and lines, with accurate dimensions in feet and hundredths of feet;~~
- ~~11. The radii, internal angles, points of curvature, tangent bearings and lengths of all arcs;~~
- ~~12. The accurate location of each permanent control monument. One such monument shall be located at each and every controlling corner on the boundaries of the parcel of land being subdivided; at each street centerline intersection, each point of curvature (PC), each point of tangency (PT), and each point of reverse curve (PRC); and at each intersection of a street centerline with a plat boundary;~~

~~13. All plat meander lines or reference lines along bodies of water shall be established above, but not farther than 20 feet from, the high water line of such body;~~

~~14. Accurate outlines and legal descriptions of any areas to be dedicated or reserved for public use, with the purposes of such dedication or reservation and any limitations indicated thereon and in the dedication;~~

~~15. Accurate outlines of any areas to be reserved by deed covenant for common use of owners of property within the subdivision, together with the purposes of such reservation;~~

~~16. Any restrictions or conditions on the lots or tracts within the subdivision, as required by the hearing examiner, or at the discretion of the property owner;~~

~~17. The name and seal of the licensed land surveyor responsible for preparation of the final plat, and a signed certification on the plat by said surveyor to the effect that it is a true and correct representation of the land actually surveyed by him or her, that the existing monuments shown thereon exist as located and that all dimensional and geodetic details are correct;~~

~~18. A signed certification stating that the subdivision has been made with the free consent, and in accordance with the desires, of the owner or owners. If the plat includes a dedication, the certificate or a separate written instrument shall contain the dedication of all streets and other areas to the public, any individual or individuals, religious society or societies, or to any corporation, public or private, as shown on the plat, and a waiver of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage or maintenance of said street or other areas so dedicated. Such certificate or instrument shall be signed and acknowledged before a notary public by all parties having any interest in the lands subdivided. An offer of dedication may include a waiver of right of direct access to any street from any property. Such waiver may be required by the city engineer as a condition of approval. Roads not dedicated to the public must be clearly marked on the face of the plat. Any dedication, donation or grant as shown on the face of the plat shall be considered as a quit claim deed to the said donee or grantee for use for the purpose intended by the donation or grant. At the discretion of the city engineer conveyances of right of way may be required to be by statutory warranty deed. The acceptance of right of way by the city shall not obligate the city to improve or develop the lands in the right-of-way;~~

~~19. Forms for the appropriate certifications of the finance director, city engineer and planning director, as follows:~~

~~FINANCE DIRECTOR'S CERTIFICATE~~

~~I hereby certify that there are no delinquent special assessments for which the property subject to this subdivision may be liable to the city, and that all special assessments on any property herein contained dedicated as~~

~~streets, alleys or for any other public use have been duly paid, satisfied or discharged, this _____ day of _____, 20____.~~

~~Auburn Director of Finance~~

~~CITY ENGINEER'S CERTIFICATE~~

~~I hereby certify that this final plat is in compliance with the certificate of improvements issued pursuant to ACC 17.08.020, and is consistent with all applicable City improvement standards and requirements in force on the date of preliminary plat approval, this _____ day of _____, 20____.~~

~~Auburn City Engineer~~

~~PLANNING DIRECTOR'S CERTIFICATE~~

~~I hereby certify on this _____ day of _____, 20____, that this final plat is in substantial conformance with the preliminary plat and any conditions attached thereto, which preliminary plat was approved by Resolution Number _____ of the Auburn City Council on the _____ day of _____, 20____, or by the Decision of the Hearing Examiner for the City of Auburn dated the _____ day of _____, 20____.~~

~~Auburn Planning Director~~

~~20. A form for the approval of the mayor, pursuant to ACC 17.10.030, as follows:~~

~~APPROVAL~~

~~Examined and approved this _____ day of _____, 20____, pursuant to City Ordinance Number _____, adopted by the Auburn City Council on the _____ day of _____, 20____.~~

~~Mayor~~

~~ATTEST:~~

Auburn City Clerk

21. A form for the certificate of the county finance division, as follows:

~~FINANCE DIVISION CERTIFICATE~~

~~I hereby certify that all property taxes are paid, that there are no delinquent special assessments certified to this office for collection, and that all special assessments certified to this office for collection on any of the property herein contained dedicated as streets, alleys or for other public use are paid in full this ____ day of _____, 20____.~~

Manager

Deputy

22. A form for the approval of the county assessor, as follows:

~~ASSESSOR'S APPROVAL~~

~~Examined and approved this ____ day of _____, 20____.~~

County Assessor

Deputy County Assessor

Account number

23. A form for the certificate of the county recorder, as follows:

~~RECORDING CERTIFICATE~~

~~Filed for record at the request of the City of Auburn this ____ day of _____, 20____ at ____ minutes past ____ M., and recorded in Volume ____ of Plats, page ____ Records of (King or Pierce) County, Washington.~~

~~County Recording Number ____.~~

Manager

Superintendent of Records

~~24. Any additional pertinent information as required at the discretion of the city engineer or planning director.~~

~~E. Accompanying Documents.~~

~~1. In cases where any protective deed covenants will apply to lots or parcels within a subdivision, a typewritten copy of such covenants shall be submitted along with the final plat.~~

~~2. The final plat shall be accompanied by a complete survey of the section or sections in which the plat or replat is located, or as much thereof as may be necessary to properly orient the plat within such section or sections. The plat and section survey shall be submitted with complete field and computation notes, showing the original or re-established corners, with the descriptions of the same, and the actual traverse showing error of closure and method of balancing. A sketch showing all distances of the plat shall accompany this data. The allowable error of closure shall not exceed one foot in 10,000 feet.~~

~~3. The final plat shall be accompanied by a current (within 30 days) title company certification of:~~

~~a. The legal description of the total parcel sought to be subdivided;~~

~~b. Those individuals or corporations holding an ownership interest in said parcel;~~

~~c. Any lands to be dedicated shall be confirmed as being in the name of the owners signing the dedication certificate;~~

~~d. Any easements or restrictions affecting the property to be subdivided with a description of purpose and referenced by auditors' file numbers and/or recording number.~~

~~If lands are to be dedicated or conveyed to the city as part of the subdivision, an A.L.T.A. title policy may be required by the city engineer.~~

~~4. The final plat shall be accompanied by a computer check of the boundaries, street centerlines, lots, blocks and lot area.~~

~~5. The final plat shall be accompanied by a copy of the approved preliminary plat for the property in question.~~

~~6. All documents submitted under this section shall contain the name of the subdivision and the name and address of the subdivider. (Ord. 6186 § 7, 2008; Ord. 6061 § 1, 2006; Ord. 5170 § 1, 1998; Ord. 4296 § 2, 1988.)~~

~~17.10.020 Administrative review.~~

~~A. Upon receipt of a final plat for council approval, the director shall place the final plat on the next council agenda that allows for at least 10 working days of staff review prior to the council meeting.~~

~~B. The director shall forward the plat to the city engineer and to other city departments for review. The city engineer shall review the final plat and~~

determine if it is in compliance with the certificate of improvements issued under ACC 17.08.020, is consistent with all applicable city improvement standards and requirements in effect on the date of preliminary plat approval.

~~C. Prior to the date at which the council will consider the final plat, the director shall forward to the council the original of the final plat, along with the planning agency's report which discusses the conformity or nonconformity of the final plat with: the terms and conditions of the preliminary plat approval; the requirements of Chapter 58.17 RCW and other applicable state laws in effect at the time of preliminary plat approval; and the requirements of this title in effect at the time of preliminary plat approval. (Ord. 4296 § 2, 1988.)~~

~~17.10.030 City council action.~~

~~The city council shall have sole authority to approve final plats. The council shall approve, disapprove, or return to the applicant for modification or correction, a proposed final plat, on the date of the meeting set for consideration of the final plat under ACC 17.10.020(A), unless the applicant agrees, in writing, to an extension of the time period provided by ACC 17.10.010(A) and RCW 58.17.140. If the council finds that the subdivision proposed for final plat approval conforms to all terms of the preliminary plat approval, and the said subdivision meets the requirements of Chapter 58.17 RCW, other applicable state laws, and this title, which requirements were in effect on the date of preliminary plat approval, it shall direct and authorize the mayor to suitably inscribe and execute its written approval on the face of the final plat. (Ord. 4296 § 2, 1988.)~~

~~17.10.040 Terms of approval.~~

~~A subdivision shall be governed by the terms of approval of the final plat, and the zoning ordinance and regulations in effect on the date of preliminary plat approval for a period of five years after final plat approval unless the hearing examiner finds that a change in conditions creates a serious threat to the public health or safety in the subdivision. (Ord. 6186 § 8, 2008; Ord. 4296 § 2, 1988.)~~

~~17.10.050 Distribution and filing.~~

~~The director shall distribute the original and copies of the approved final plat as follows:~~

- ~~A. The original shall be forwarded to the appropriate county office for recording;~~
- ~~B. Two paper copies shall be transmitted to the county assessor;~~
- ~~C. One reproducible copy shall be transmitted to the city engineer;~~
- ~~D. One reproducible copy shall be retained in the files of the planning department. (Ord. 6061 § 2, 2006; Ord. 4296 § 2, 1988.)~~

~~17.10.060 Transfer of ownership.~~

~~Whenever any parcel of land lying within the city is divided under the provisions of this title, no person, firm or corporation shall sell or transfer, or offer~~

~~or advertise for sale or transfer, any such lot, tract or parcel without having first had an approved final plat of such subdivision filed for record, except as provided by ACC 17.06.090. (Ord. 4296 § 2, 1988.)~~

~~17.10.070 Building, occupancy and model home permits.~~

~~A. No building permit for a structure other than a temporary contractor's office or temporary storage building shall be issued for a lot or parcel within an approved subdivision prior to a determination by the fire marshal that adequate fire protection for construction needs exists.~~

~~B. No building permit for a structure other than a temporary contractor's office or temporary storage building shall be issued for a lot or parcel within an approved subdivision until either:~~

~~1. All required improvements which will serve the subject lot or parcel have been constructed and the city has accepted a properly executed bill of sale for such improvements; or~~

~~2. All required improvements have been bonded or otherwise guaranteed under the requirements of ACC 17.08.010; or~~

~~3. An improvement bond in an amount adequate, in the determination of the city engineer, to guarantee construction of those required public improvements necessary to serve the lot or parcel for which a building permit is sought, has been accepted by the city.~~

~~C. No occupancy permit for a structure other than a temporary contractor's office or temporary storage building shall be issued for a structure on a lot or parcel within an approved subdivision prior to final inspection and approval of all required improvements which will serve such lot or parcel to the satisfaction of the building official.~~

~~D. Prior to final plat approval of an approved preliminary plat, building permits for model homes may be granted by the building official subject to the following conditions:~~

~~1. Model homes are single family dwellings as defined by ACC 18.04.340(A). The purpose of a model home is for sales promotion and display of homes that will be typically built within a subdivision and are open to the public for viewing.~~

~~2. Up to two model homes may be allowed for preliminary plats up to 20 lots. Up to four model homes may be allowed for preliminary plats in excess of 20 lots.~~

~~3. All model homes shall be served by an all weather surface access as approved by the city engineer and fire marshal.~~

~~4. All model homes shall be located within 300 feet of an operating fire hydrant as determined and approved by the fire marshal.~~

~~5. Prior to the public being allowed to access a model home written permission must be received from the building official.~~

~~6. Information must be submitted with the final plat application that indicates the model home meets all applicable zoning code standards of the lot on which it is located. (Ord. 5094 § 1, 1998; Ord. 4296 § 2, 1988.)~~

~~17.10.080 Release of improvement guarantee.~~

~~A. If an improvement bond or other guarantee has been submitted under ACC 17.08.010 or 17.10.070 such guarantee shall only be released upon acceptance by the city of a properly executed bill of sale for such improvements and submittal of adequate "as-built" drawings for which the guarantee was submitted for. Partial release of the guarantee may be allowed but only to satisfy the requirement of subsection B of this section.~~

~~B. A portion of the guarantee equivalent to 10 percent of the value of the public improvements guaranteed shall be retained as a maintenance bond by the city for a period of time up to one year from the date the city engineer certifies the completion of the plat improvements have been satisfied, to ensure the adequate operation of such improvements, following which any unused portion of such guarantee shall be released. (Ord. 5094 § 1, 1998; Ord. 4296 § 2, 1988.)~~

Chapter 17.12 FINAL SUBDIVISIONS

Sections:

17.12.005 Purpose

17.12.010 Application submittal and contents. Plan preparation, submittal and approval.

17.12.015 Review Process

17.12.020 Administrative review. ~~Street, sanitary sewer and water plans.~~

17.12.030 City council action. ~~Drainage plans.~~

17.12.040 Terms of approval. ~~Public water service.~~

17.12.050 Distribution and filing. ~~Public sanitary sewer service.~~

17.12.060 Transfer of ownership. ~~Street requirements.~~

17.12.070 Building, occupancy and model home permits. ~~Block requirements.~~

17.12.080 Release of improvement guarantee. ~~Street grades.~~

17.12.090 ~~Principal arterials.~~

17.12.100 ~~Minor arterials.~~

17.12.110 ~~Residential collector arterials.~~

17.12.120 ~~Nonresidential collector arterials.~~

17.12.121 ~~Rural collector arterials.~~

17.12.122 ~~Local nonresidential streets.~~

17.12.130 ~~Local residential streets.~~

17.12.140 ~~Rural residential streets.~~

17.12.150 ~~Alleys.~~

17.12.170 ~~Private streets, access tracts or easements.~~

17.12.180 ~~Dead-end streets.~~

17.12.190 ~~Changes in grade.~~

17.12.200 ~~Street signs and channelization.~~

17.12.210 ~~Street trees.~~

17.12.220 ~~Street lighting.~~

17.12.230 ~~Fire hydrants.~~

17.12.240 ~~Underground utilities.~~

17.12.250 ~~Lot requirements.~~

17.12.260 ~~Parks and playgrounds.~~

17.12.270 ~~Floods and flood control.~~

17.12.280 ~~Additional requirements.~~

17.12.005 Purpose.

This Chapter establishes specific application materials, review processes and requirements, and terms of approval for final subdivisions.

17.12.010 Application submittal and contents.

A. Application. An application for final subdivision approval meeting all requirements of Chapter 58.17 RCW and this title shall be submitted to the planning department accompanied by the following:

1. Application materials consistent with the requirements of ACC 17.02.065.
2. A copy of the approved preliminary plat.
3. A final plat meeting the requirement of RCW 58.17, including certifications, dedications, and title reports;
4. Agency recommendations pursuant to RCW 58.17.150;
5. A recordable survey and surveyor's signature meeting the requirements of RCW 58.09 and RCW 58.17.250.
6. Proposed list of public improvements that will be incomplete at the time of final plat approval and the associated cost to complete the work. The list shall be used to determine the financial security required as part of the final plat review process. The Engineer's certification is required prior to setting the date for consideration by the City Council for final plat approval. The Engineer's Certification will not be issued until the requirements of ACC 17.14.010 have been met.

B. Preparation. The final plat shall be prepared by a professional land surveyor licensed by the state of Washington. The preparer shall, by placing his or her signature and stamp upon the face of the plat, certify that the plat is a true and correct representation of the land actually surveyed by the preparer, that the existing monuments shown thereon exist as located and that all dimensional and geodetic details are correct.

C. Scale and Format. The final plat shall be drawn with reproducible ink on Mylar measuring 18 inches by 24 inches in size, with a one-inch border on one edge and a one-half inch border for the other three edges for projects in King County and measuring 18 inches by 24 inches with a two-inch border on the left edge and a one-half border for the other three edges for projects in Pierce County. The final plat shall be accurate, legible and drawn to an engineering (decimal) scale of 100 feet or fewer to the inch. If more than one sheet is required, an index sheet showing the entire subdivision with street and highway names and block numbers (if any) shall be provided. Each sheet, including the index sheet, shall be of the above-specified size. All signatures or certifications appearing on a final plat shall be in reproducible black ink.

D. Final Plat Contents. A final plat shall contain the following information:

1. The name of the subdivision;
2. Legal description of the property being subdivided;
3. Numeric scale, graphic scale, basis of bearings, and date of preparation of the final plat;
4. The boundary line of the plat, referenced to city datum in accordance with the City Design and Construction Standards and based on an accurate traverse, with angular and linear dimensions and bearings;
5. The exact location, width and assigned name of all streets, alleys and other public ways within and adjacent to the subdivision;

6. A table depicting the assigned address for each lot within the subdivision;

7. The exact location, width and purpose of all easements and dedications for rights-of-way provided for public and private services and utilities;

8. True courses and distances to the nearest established street lines, or section or quarter section corner monuments which shall accurately locate the subdivision;

9. Municipal, township, county or section lines accurately tied to the lines of the plat by distances and courses;

10. All lot and block numbers and lines, with accurate dimensions in feet and hundredths of feet;

11. The radii, internal angles, points of curvature, tangent bearings and lengths of all arcs;

12. The accurate location of each permanent control monument. One such monument shall be located at each and every controlling corner on the boundaries of the parcel of land being subdivided; at each street centerline intersection, each point of curvature (PC), each point of tangency (PT), and each point of reverse curve (PRC); and at each intersection of a street centerline with a plat boundary;

13. All plat meander lines or reference lines along bodies of water shall be established above, but not farther than 20 feet from, the high water line of such body;

14. Accurate outlines and legal descriptions of any areas to be dedicated or reserved for public use, with the purposes of such dedication or reservation and any limitations indicated thereon and in the dedication;

15. Accurate outlines of any areas to be reserved by deed covenant for common use of owners of property within the subdivision, together with the purposes of such reservation;

16. Any restrictions or conditions on the lots or tracts within the subdivision, as required by the hearing examiner, or at the discretion of the property owner;

17. The name and seal of the licensed land surveyor responsible for preparation of the final plat, and a signed certification on the plat by said surveyor to the effect that it is a true and correct representation of the land actually surveyed by him or her, that the existing monuments shown thereon exist as located and that all dimensional and geodetic details are correct;

18. A signed certification stating that the subdivision has been made with the free consent, and in accordance with the desires, of the owner or owners. If the plat includes a dedication, the certificate or a separate written instrument shall contain the dedication of all streets and other areas to the public, any individual or individuals, religious society or societies, or to any corporation, public or private, as shown on the plat, and a waiver of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage or maintenance of said street or other areas so dedicated. Such certificate or instrument shall be signed and

acknowledged before a notary public by all parties having any interest in the lands subdivided. An offer of dedication may include a waiver of right of direct access to any street from any property. Such waiver may be required by the city engineer as a condition of approval. Roads not dedicated to the public must be clearly marked on the face of the plat. Any dedication, donation or grant as shown on the face of the plat shall be considered as a quit claim deed to the said donee or grantee for use for the purpose intended by the donation or grant. At the discretion of the city engineer conveyances of right-of-way may be required to be by statutory warranty deed. The acceptance of right-of-way by the city shall not obligate the city to improve or develop the lands in the right-of-way;

19. Forms for the appropriate certifications of the finance director, city engineer and planning director, as follows:

FINANCE DIRECTOR'S CERTIFICATE

I hereby certify that there are no delinquent special assessments for which the property subject to this subdivision may be liable to the city, and that all special assessments on any property herein contained dedicated as streets, alleys or for any other public use have been duly paid, satisfied or discharged, this _____ day of _____, 20____.

Auburn Director of Finance

CITY ENGINEER'S CERTIFICATE

I hereby certify that this final plat is in compliance with the certificate of improvements issued pursuant to ACC 17.14.015, and is consistent with all applicable City improvement standards and requirements in force on the date of preliminary plat approval, this _____ day of _____, 20____.

Auburn City Engineer

PLANNING DIRECTOR'S CERTIFICATE

I hereby certify on this _____ day of _____, 20____, that this final plat is in substantial conformance with the preliminary plat and any conditions attached thereto, which preliminary plat was approved by Resolution Number _____ of the Auburn City Council on the _____ day of _____, 20____, or by the Decision of the Hearing Examiner for the City of Auburn dated the _____ day of _____, 20____.

Auburn Planning Director

20. A form for the approval of the mayor, pursuant to ACC 17.12.030, as follows:

APPROVAL

Examined and approved this _____ day of _____, 20____,
pursuant to City Ordinance Number _____, adopted by the Auburn City
Council on the _____ day of _____, 20____.

Mayor

ATTEST:

Auburn City Clerk

21. A form for the certificate of the applicable (King/Pierce) county finance division, as follows or as required by the applicable county, if different:

FINANCE DIVISION CERTIFICATE

I hereby certify that all property taxes are paid, that there are no delinquent special assessments certified to this office for collection, and that all special assessments certified to this office for collection on any of the property herein contained dedicated as streets, alleys or for other public use are paid in full this _____ day of _____, 20____.

Manager

Deputy

22. A form for the approval of the applicable (King/Pierce) county assessor, as follows or as required by the applicable county, if different:

ASSESSOR'S APPROVAL

Examined and approved this _____ day of _____, 20____.

County Assessor

Deputy County Assessor

Account number

23. A form for the certificate of the applicable (King/Pierce) county recorder, as follows or as required by the applicable county, if different:

RECORDING CERTIFICATE

Filed for record at the request of the City of Auburn this _____ day of _____, 20____ at _____ minutes past _____ M., and recorded in Volume _____ of Plats, page _____ Records of (King or Pierce) County, Washington.

County Recording Number _____.

Manager

Superintendent of Records

24. Any additional pertinent information as required at the discretion of the city engineer or planning director.

17.12.015 Review Process

A final plat shall be reviewed in accordance with ACC Title 14 as a Type V decision.

17.12.020 Administrative review.

A. Upon receipt of a final plat for council approval, the planning director shall place the final plat on the next council agenda that allows for at least 10 working days of staff review prior to the council meeting.

B. The planning director shall forward the plat to the city engineer and to other city departments for review. The city engineer shall review the final plat and determine if it is in compliance with the certificate of improvements issued under ACC 17.14.020, is consistent with all applicable city improvement standards and requirements in effect on the date of preliminary plat approval.

C. Prior to the date at which the council will consider the final plat, the director shall forward to the council the original of the final plat, along with the planning

agency's report which discusses the conformity or nonconformity of the final plat with: the terms and conditions of the preliminary plat approval; the requirements of Chapter 58.17 RCW and other applicable state laws in effect at the time of preliminary plat approval; and the requirements of this title in effect at the time of preliminary plat approval. (Ord. 4296 § 2, 1988.)

17.12.030 City council action.

The city council shall have sole authority to approve final plats. The council shall approve, disapprove, or return to the applicant for modification or correction, a proposed final plat, on the date of the meeting set for consideration of the final plat under ACC 17.12.020(A), unless the applicant agrees, in writing, to an extension of the time period provided by RCW 58.17.140. If the council finds that the subdivision proposed for final plat approval conforms to all terms of the preliminary plat approval, and the said subdivision meets the requirements of Chapter 58.17 RCW, other applicable state laws, and this title, which requirements were in effect on the date of preliminary plat approval, it shall direct and authorize the mayor to suitably inscribe and execute its written approval on the face of the final plat. (Ord. 4296 § 2, 1988.)

17.12.040 Terms of approval.

A subdivision shall be governed by the terms of approval of the final plat, and the zoning ordinance and regulations in effect on the date of preliminary plat approval for a period of five years after final plat approval unless the hearing examiner finds that a change in conditions creates a serious threat to the public health or safety in the subdivision. (Ord. 6186 § 8, 2008; Ord. 4296 § 2, 1988.)

17.12.050 Distribution and filing.

The director shall distribute the original and copies of the approved final plat as follows:

A. The original shall be forwarded to the appropriate county office for recording. The plat must be recorded within 30 days or the plat shall become null and void. A recorded Mylar shall be returned to the city and kept with the City's records;

B. Two paper copies shall be transmitted to the county assessor;

C. One reproducible copy shall be retained in the files of the department.

D. One reproducible copy shall be provided to the applicant. (Ord. 6061 § 2, 2006; Ord. 4296 § 2, 1988.)

17.12.060 Transfer of ownership.

Whenever any parcel of land lying within the city is divided under the provisions of this title, no person, firm or corporation shall sell or transfer, or offer or advertise for sale or transfer, any such lot, tract or parcel without having first had an approved final plat of such subdivision filed for record, except as provided by ACC 17.10.090. (Ord. 4296 § 2, 1988.)

17.12.070 Building, occupancy and model home permits.

A. No building permit for a structure other than a temporary contractor's office or temporary storage building shall be issued for a lot or parcel within an approved subdivision prior to a determination by the fire marshal that adequate fire protection for construction needs exists.

B. No building permit for a structure other than a temporary contractor's office or temporary storage building shall be issued for a lot or parcel within an approved subdivision until:

1. The minimum required improvements which will serve the subject lot or parcel have been constructed in accordance with ACC 17.14.070; and

2. All remaining improvements have been financially guaranteed under the requirements of ACC 17.14.010.

C. Prior to final plat approval of an approved preliminary plat, building permits for model homes may be granted by the building official in consultation with the city engineer subject to the following conditions:

1. Model homes are single-family dwellings as defined by ACC 18.04.340(A). The purpose of a model home is for sales promotion and display of homes that will be typically built within a subdivision and are open to the public for viewing.

2. Up to two model homes may be allowed for preliminary plats up to 20 lots. Up to four model homes may be allowed for preliminary plats in excess of 20 lots.

3. All model homes shall be served by an all weather surface access as approved by the city engineer and fire marshal.

4. All model homes shall be located within 300 feet of an operating fire hydrant as determined and approved by the fire marshal.

5. Prior to the public being allowed to access a model home written permission must be received from the building official.

6. Information must be submitted with the final plat application that indicates the model home meets all applicable zoning code standards of the lot on which it is located. (Ord. 5094 § 1, 1998; Ord. 4296 § 2, 1988.)

D. Where a plat is approved subject to conditions, no building permit shall be issued for property subject to the subdivision prior to the conditions either being fulfilled or guarantees provided to ensure the conditions are met. (Ord. 6006 § 3, 2006; Ord. 5164 § 1, 1998; Ord. 4840 § 1, 1996; Ord. 4296 § 2, 1988.)

17.12.080 Release of improvement guarantee.

A. If a financial security for the improvements has been submitted under ACC 17.14.010 or 17.12.070 such guarantee shall only be released upon acceptance by the city of a properly executed bill of sale for such improvements and submittal of adequate record drawings for which the guarantee was submitted for.

B. A portion of the guarantee equivalent to 10 percent of the value of the public improvements guaranteed shall be retained as a maintenance guarantee by the city for a minimum period of one year from the date the city engineer certifies the completion of the plat improvements have been satisfied, to ensure the adequate operation of such improvements, following which any unused portion of such guarantee shall be released. This shall be consistent with the facility extension provisions of Title 13 (Water, Sewers and Public Utilities).

17.12.090. Survey Requirements.

A. A licensed professional land surveyor shall complete all lot staking prior to the recording of the final subdivision.

B. All lot corners, including interior lot corners, shall be marked with a permanent marker that bears the land surveyor's registration number. When the boundary lines follow a meandering line, the "corners" shall be set as directed by the city of Auburn.

C. When the legal description of the final subdivision utilizes partial or complete section subdivisional breakdown to establish the boundaries, section subdivision survey information shall be shown in accordance with the requirements of WAC 332-130-030.

D. All reference monuments used in the establishment of the final subdivision corners shall be identified, described and noted as set or found. When appropriate, the survey shall reference previous surveys that served as the basis for the survey.

E. When the final subdivision is adjacent to a constructed public right-of-way and the plat corners or its offset represent a quarter corner, section corner or donation land claim that is not of record or has been lost (or obliterated), a standard monument shall be placed.

F. Whenever a final subdivision is adjacent to existing right-of-way, the centerline of the right-of-way shall be located on the plat drawing. If the constructed improvements fall outside of the documented right-of-way, the surveyor shall identify the existing edge of the pavement and limits of the maintained right-of-way section on the drawing and show its relationship to said centerline.

G. All requirements of Chapter 58.09 RCW and Chapter 332-130 WAC governing minimum standards for land boundary surveys shall be met and a note shall be placed that reads:

THIS SURVEY COMPLIES WITH ALL THE STANDARDS AND GUIDELINES OF THE "SURVEY RECORDING ACT" CHAPTER 58.09 RCW AND WAC 332-130.

H. The side lot lines of each lot, which if extended would intersect with the curb, shall be marked on the curb.

~~17.12.010 Plan preparation, submittal and approval.~~

~~A. Plans for improvements shall be prepared, signed, dated and stamped by a professional civil engineer registered in the state of Washington and shall be in accordance with city standards and specifications. Plans shall be submitted to the city, following preliminary plat approval, for circulation and review. No construction permit or approval shall be issued and no construction activity shall commence relating to subdivision improvements until the plans required by this chapter have been approved and signed by the city engineer. Plans shall be consistent with the approved preliminary plat. All sanitary sewer, water, storm sewer and street improvements to be dedicated to the city shall be covered by a public facilities extension agreement, as required by ACC Title 13.~~

~~B. For preliminary plats that were approved, but not constructed, prior to the effective date of the amendments to this chapter as adopted by the ordinance codified in this chapter, the owner/developer may choose to use the standards in effect at the time of the preliminary plat approval or, if approved by the city engineer, use the standards adopted pursuant to this chapter.~~

~~C. The street construction standards for preliminary plats, that are approved pursuant to the standards adopted by this chapter, may need to be modified in order to properly interface with adjacent plats constructed to previous city standards. Such modification shall be reviewed and approved by the city engineer. An appeal of the city engineer's decision shall be consistent with the appeal process for city design standard appeals. (Ord. 6186 § 9, 2008; Ord. 5164 § 1, 1998; Ord. 4296 § 2, 1988.)~~

~~17.12.020 Street, sanitary sewer and water plans.~~

~~Plan/profile maps shall be prepared for all proposed streets, sanitary sewer systems and water systems. The horizontal scale of such plans shall be one inch equals 20 feet and the vertical scale shall be one inch equals five feet or one inch equals two feet, as approved by the city engineer. The plans required by this section shall show all existing and proposed topography, utilities, grades, lot lines with appropriate numbers, rights-of-way and all other features or additional information required by the city engineer. (Ord. 5164 § 1, 1998; Ord. 4296 § 2, 1988.)~~

~~17.12.030 Drainage plans.~~

~~A drainage/site grading plan shall be prepared in conformance with the requirements of Chapter 13.48 ACC. (Ord. 5164 § 1, 1998; Ord. 4296 § 2, 1988.)~~

~~17.12.040 Public water service.~~

~~Each lot in a subdivision created under this title shall be served by a public water system owned and operated by the city unless the city finds that:~~

~~A. City water service is not practical due to topography, distance from city water facilities of adequate capacity, extreme low proposed developmental density, or similar factor; and~~

~~B. Private water service will not be detrimental to the implementation of the adopted comprehensive water plan; and~~

~~C. Private water service will not pose a threat to the public health, safety or welfare; and~~

~~D. Private water service is necessary to accomplish the purposes of this title.~~

~~If private water service is approved, preliminary plat approval shall be conditioned on the ability of the subdivider to obtain all necessary approvals for the private water system or systems, and the final plat shall not be approved until the subdivider demonstrates, to the satisfaction of the city engineer, that the proposed water system or systems will adequately serve the domestic water needs of future owners of property within the subdivision. (Ord. 5164 § 1, 1998; Ord. 4296 § 2, 1988.)~~

~~17.12.050 Public sanitary sewer service.~~

~~Each lot in a subdivision created under this title shall be served by the Auburn sanitary sewer system, unless the city finds that:~~

~~A. City sanitary sewer service is not practical due to topography, distance from city sanitary sewer facilities of adequate capacity, extreme low proposed developmental density, or similar factor; and~~

~~B. On-site sewage disposal systems will not be detrimental to the implementation of the adopted comprehensive sewerage plan; and~~

~~C. On-site sewage disposal systems will not pose a threat to the public health, safety or welfare; and~~

~~D. On-site sewage disposal systems are necessary to accomplish the purposes of this title; and~~

~~E. The city engineer has reported favorably on the use of on-site sewage disposal systems. (Ord. 5164 § 1, 1998; Ord. 4296 § 2, 1988.)~~

~~17.12.060 Street requirements.~~

~~The subdivision shall abut on and/or be served by an open, maintained public street(s) and the street and block layout shall conform to the most advantageous development of adjoining areas, the entire neighborhood, and shall provide for the following:~~

~~A. Continuity of appropriate streets and arterials;~~

~~B. Streets generally following contour lines where practicable;~~

~~C. Offset intersections shall be avoided;~~

~~D. Streets intersecting at right angles, or as nearly as possible subject to approval by the city engineer;~~

~~E. Streets meeting the minimum right-of-way and pavement width standards of this title, except that half streets may be allowed along a boundary of a plat where required to provide for a street or arterial designated by the comprehensive plan or portion thereof. (Ord. 5164 § 1, 1998; Ord. 4296 § 2, 1988.)~~

~~17.12.070 Block requirements.~~

~~A block shall consist of any two or more contiguous lots which are not separated by a street. Blocks shall meet the following requirements:~~

~~A. Wherever appropriate, blocks shall provide for two tiers of lots; except that one tier of lots is encouraged between a residential street and an arterial, which lots shall front on and be accessed from the residential street.~~

~~B. Where the average area of lots does not exceed two acres, the distance between intersections along a street or arterial shall not exceed 1,320 feet.~~

~~C. Pedestrian and bicycle requirements shall be consistent with the city of Auburn's nonmotorized plan.~~

~~D. The number of streets intersecting with existing or proposed arterials shall be held to a minimum consistent with the provisions of this section and consistent with adequate local circulation. (Ord. 5164 § 1, 1998; Ord. 4296 § 2, 1988.)~~

~~17.12.080 Street grades.~~

~~Street grades shall be in conformance with the adopted city of Auburn design and construction standards. (Ord. 5164 § 1, 1998; Ord. 4296 § 2, 1988.)~~

~~17.12.090 Principal arterials.~~

~~Proposed and existing principal arterials located within or adjacent to the subdivision, as designated by the city engineer in consultation with the circulation element of the Auburn comprehensive plan, shall be dedicated to the city and constructed or improved to meet the city of Auburn design and construction standards and city of Auburn specifications. If a property does not have access directly from the adjacent arterial(s), or if the purpose of the arterial(s) is to serve other properties or mobility, the city may participate in exploring alternative funding mechanisms to complete the required improvements. If the previous condition does apply, the development will be responsible, as a minimum, for improvement(s) equivalent of local residential street(s). (Ord. 5164 § 1, 1998; Ord. 4296 § 2, 1988.)~~

~~17.12.100 Minor arterials.~~

~~Proposed and existing minor arterials located within or adjacent to the subdivision, as designated by the city engineer in consultation with the circulation element of the Auburn comprehensive plan, shall be dedicated to the city and constructed or improved to meet the city of Auburn design and construction standards and city of Auburn specifications. If a property does not have access directly from the adjacent arterial(s), or if the purpose of the arterial(s) is to serve other properties or mobility, the city may participate in exploring alternative funding mechanisms to complete the required improvements. If the previous condition does apply, the development will be responsible, as a minimum, for improvement(s) equivalent of local residential street(s). (Ord. 5164 § 1, 1998; Ord. 4296 § 2, 1988.)~~

~~17.12.110 Residential collector arterials.~~

~~Proposed and existing residential collector arterials located within or adjacent to the subdivision, as designated by the city engineer in consultation with the circulation element of the Auburn comprehensive plan, shall be dedicated to the city and constructed or improved to meet the city of Auburn design and construction standards and city of Auburn specifications. If a property does not have access directly from the adjacent arterial(s), or if the purpose of the arterial(s) is to serve other properties or mobility, the city may participate in exploring alternative funding mechanisms to complete the required improvements. If the previous condition does apply, the development will be responsible, as a minimum, for improvement(s) equivalent of local residential street(s). (Ord. 5164 § 1, 1998; Ord. 4296 § 2, 1988.)~~

~~17.12.120 Nonresidential collector arterials.~~

~~Proposed and existing nonresidential collector arterials located within or adjacent to the subdivision, as designated by the city engineer in consultation with the circulation element of the Auburn comprehensive plan, shall be dedicated to the city and constructed or improved to meet the city of Auburn design and construction standards and city of Auburn specifications. If a property does not have access directly from the adjacent arterial(s), or if the purpose of the arterial(s) is to serve other properties or mobility, the city may participate in exploring alternative funding mechanisms to complete the required improvements. If the previous condition does apply, the development will be responsible, as a minimum, for improvement(s) equivalent of local residential street(s). (Ord. 5164 § 1, 1998; Ord. 4296 § 2, 1988.)~~

~~17.12.121 Rural collector arterials.~~

~~Proposed and existing rural collector arterials located within or adjacent to a subdivision, as designated by the city engineer in consultation with the circulation element of the Auburn comprehensive plan, shall be dedicated to the city and constructed or improved to meet the city of Auburn design and construction standards and city of Auburn specifications. If a property does not have access directly from the adjacent arterial(s), or if the purpose of the arterial(s) is to serve other properties or mobility, the city may participate in exploring alternative funding mechanisms to complete the required improvements. (Ord. 5164 § 1, 1998.)~~

~~17.12.122 Local nonresidential streets.~~

~~Proposed and existing streets, other than designated arterials, which are located within or adjacent to a subdivision, and which are to serve property designated for commercial or industrial uses, as designated by the city engineer in consultation with the circulation element of the Auburn comprehensive plan, shall be dedicated to the city and constructed or improved to meet the city of~~

~~Auburn design and construction standards and city of Auburn specifications. (Ord. 5164 § 1, 1998.)~~

~~17.12.130 Local residential streets.~~

~~Proposed and existing streets, other than designated arterials, which are located within or adjacent to the subdivision, and which are to serve only property designated for residential uses, shall be constructed or improved to meet the city of Auburn design and construction standards and the city of Auburn specifications. (Ord. 5164 § 1, 1998; Ord. 4296 § 2, 1988.)~~

~~17.12.140 Rural residential streets.~~

~~Proposed and existing streets, other than designated arterials, which are located within or adjacent to RR, rural residential, zoned property, and which are to serve only property designated for rural residential uses, shall be constructed or improved to meet the city of Auburn design and construction standards and the city of Auburn specifications. (Ord. 5164 § 1, 1998; Ord. 4296 § 2, 1988.)~~

~~17.12.150 Alleys.~~

~~Proposed and existing shall be in conformance with the city of Auburn design and construction standards. (Ord. 5164 § 1, 1998; Ord. 4296 § 2, 1988.)~~

~~17.12.170 Private streets, access tracts or easements.~~

~~Private streets, access tracts or easements may be used as a means of providing access to a lot or lots. The construction of the private streets shall be in conformance with Section 2.05 of the city of Auburn design and construction standards and the construction of the access tracts shall be in conformance with ACC 18.48.130. (Ord. 5542 § 1, 2001; Ord. 5164 § 1, 1998; Ord. 4296 § 2, 1988.)~~

~~17.12.180 Dead end streets.~~

~~The construction of dead end streets shall be in conformance with the city of Auburn design and construction standards. (Ord. 5164 § 1, 1998; Ord. 4296 § 2, 1988.)~~

~~17.12.190 Changes in grade.~~

~~All changes in street grades shall be connected by vertical curves meeting the city of Auburn design and construction standards. (Ord. 5164 § 1, 1998; Ord. 4296 § 2, 1988.)~~

~~17.12.200 Street signs and channelization.~~

~~The subdivider shall provide and install all required traffic regulatory signs, street name signs and street striping and channelization as per the city of Auburn design and construction standards. (Ord. 5164 § 1, 1998; Ord. 4296 § 2, 1988.)~~

~~17.12.210 Street trees.~~

~~Tree planting shall conform to the city of Auburn design and construction standards. (Ord. 5164 § 1, 1998; Ord. 4296 § 2, 1988.)~~

~~17.12.220 Street lighting.~~

~~Street lighting shall conform to the city of Auburn design and construction standards and shall be provided and installed by the subdivider. (Ord. 5164 § 1, 1998; Ord. 4296 § 2, 1988.)~~

~~17.12.230 Fire hydrants.~~

~~Fire hydrants shall conform to the standards of Chapter 13.16 ACC. (Ord. 5164 § 1, 1998; Ord. 4296 § 2, 1988.)~~

~~17.12.240 Underground utilities.~~

~~A. All utility lines serving the subdivision, including but not limited to power, telephone and television cables shall be installed underground. Adequate easements shall be provided for all such utility lines which will not be located within public right of way. Television conduit and miscellaneous hardware shall be installed according to the requirements of Chapter 13.36 ACC.~~

~~B. Whenever an intersection of an arterial and any other street is constructed or improved under the requirements of this title, and when the city engineer has determined that traffic signalization of such intersection will be needed in the future, the city engineer may require the installation, at the subdivider's expense, of underground conduit which will be necessary for and will facilitate such future signalization. (Ord. 5164 § 1, 1998; Ord. 4296 § 2, 1988.)~~

~~17.12.250 Lot requirements.~~

~~A. The area, width and depth of lots shall conform to the requirements of the zoning ordinance. The area within a "panhandle" access to a lot shall not be considered for the purpose of determining conformance with lot requirements.~~

~~B. The size, shape and orientation of lots shall be appropriate for the location, topography and other natural features of the site and for the type of development contemplated.~~

~~C. Every lot shall have a minimum of 20 feet of frontage on an improved public street or private access tract, unless otherwise approved by this title.~~

~~D. Corner lots designated for residential uses shall be platted at least five feet wider than required by the zoning ordinance.~~

~~E. Every lot shall border on an opened, improved and maintained public street or private access tract.~~

~~F. For single-family residential lots fronting on arterials, provisions shall be made for service drives in front or access provided to a secondary street or private access tract.~~

~~G. The side lot lines of each lot, which if extended would intersect with the curb, shall be marked on the curb as per the city engineer's standard detail. (Ord. 5542 § 1, 2001; Ord. 5164 § 1, 1998; Ord. 4296 § 2, 1988.)~~

~~17.12.260 Parks and playgrounds.~~

~~Where dedication of land for park and recreation purposes is required, the hearing examiner shall be guided by the policies and recommended standards of the Auburn parks, recreation, and open space plan. It is the policy of the city to require park land dedication where a proposed subdivision will result in a substantial increase in demand for park land or is needed to prevent or abate public nuisances. Generally, this will occur where a subdivision will result in the creation of lots capable of supporting 50 or more residential dwelling units; however, where it is determined that the proposed subdivision, together with any reasonably anticipated future development on adjacent or nearby land, will act in a cumulative manner to substantially increase demand for park land, dedication may be required of smaller subdivisions. The acceptability of the size, configuration and location of land proposed for park dedication shall be determined by the hearing examiner based upon such factors as topography, drainage, natural amenities and access. (Ord. 6186 § 10, 2008; Ord. 5164 § 1, 1998; Ord. 4772 § 1, 1995; Ord. 4296 § 2, 1988.)~~

~~17.12.270 Floods and flood control.~~

~~The city may disapprove a proposed subdivision because of flood, inundation or swamp condition if the city finds that such condition poses a threat to the public health, safety or general welfare or causes a public nuisance.~~

~~Where any portion of the proposed subdivision lies within the one percent flood hazard area or the regulatory floodway, the hearing examiner shall impose a condition on the preliminary plat requiring the subdivider to conform to the Federal Emergency Management Agency (FEMA) flood hazard requirements. In such cases, no development permit associated with the proposed subdivision shall be issued by the city until said FEMA requirements have been met.~~

~~The city may require dedication of land to any public body and/or the construction of improvements and may impose other conditions necessary to protect against flooding or inundation. (Ord. 6186 § 11, 2008; Ord. 5164 § 1, 1998; Ord. 4772 § 1, 1995; Ord. 4296 § 2, 1988.)~~

~~17.12.280 Additional requirements.~~

~~The standards and requirements established or referenced by this chapter are minimum requirements. These standards may be increased, and additional requirements may be imposed for the purpose of preventing or abating public nuisances or mitigating identified adverse environmental impacts pursuant to the State Environmental Policy Act of 1971 (Chapter 43.21C RCW) as now established or hereafter modified. Such additional requirements may include but shall not be limited to off-site improvements to any public facility, the dedication~~

~~and/or improvement of parks and open spaces, and monetary contributions to any city fund established to finance the provision of public services required by the subdivision. (Ord. 5164 § 1, 1998; Ord. 4772 § 1, 1995; Ord. 4296 § 2, 1988.)~~

Chapter 17.14

IMPROVEMENT REQUIREMENTS - SUBDIVISIONS ~~SHORT SUBDIVISIONS~~

Sections:

- 17.14.005 Plan preparation, submittal and approval.
- 17.14.010 Improvement methods. ~~General provisions.~~
- 17.14.015 City engineer's certificate of improvements.
- 17.14.020 Street, sanitary sewer and water plans. ~~Preapplication conference.~~
- 17.14.030 Public water service. ~~Application~~
- ~~17.14.035 Survey.~~
- 17.14.040 Public sanitary sewer service. ~~Accompanying documents.~~
- 17.14.050 Street requirements. ~~Administrative review.~~
- 17.14.060 Block requirements. ~~Planning director's decision.~~
- 17.14.070 Minimum Improvement Requirements for Approval of Subdivisions and Short Subdivisions. ~~Distribution and filing.~~
- 17.14.080 Underground utilities. ~~Conditional approval requirements.~~
- 17.14.090 Lot requirements. ~~Release of improvement guarantees.~~
- 17.14.100 Parks and playgrounds.
- ~~Repealed.~~
- 17.14.110 Floods and flood control. ~~Repealed.~~
- 17.14.120 Additional requirements.

17.14.005 Plan preparation, submittal and approval.

A. Plans for improvements shall be prepared, signed, dated and stamped by a professional civil engineer registered in the state of Washington and shall be in accordance with city design and construction standards. Plans shall be submitted to the city, under the applicable permit process, following preliminary plat approval. No construction permit or approval shall be issued and no construction activity shall commence relating to subdivision improvements until the plans required by this chapter have been approved and signed by the city engineer. Plans shall be consistent with the approved preliminary plat. All sanitary sewer, water, drainage and street improvements to be dedicated to the city shall be covered by a public facilities extension agreement, as required by ACC Titles 12 and 13.

B. For preliminary plats that were approved, but not constructed, prior to the effective date of the amendments to this chapter as adopted by the ordinance codified in this chapter, the owner/developer may choose to use the standards in effect at the time of the preliminary plat approval or, if approved by the city engineer, use the standards adopted pursuant to this chapter.

(Ord. 6186 § 9, 2008; Ord. 5164 § 1, 1998; Ord. 4296 § 2, 1988.)

17.14.010 Improvement methods.

Following preliminary plat approval and approval of all plans required by Chapter 17.14 ACC, and prior to setting the date for consideration by the City Council for final plat approval, the applicant/plat developer shall guarantee the public improvements required for the plat are completed by one of the following methods:

A. By completion of construction of the minimum required plat improvements in conformance with ACC 17.14.070 (Minimum Improvement Requirements) and furnishing to the city an assignment of funds or an irrevocable letter of credit or guarantee bond or other similar security satisfactory to the city engineer, in which assurance is given the city that the installation of the remaining required public improvements will be carried out as provided by plans submitted and approved pursuant to Chapter 17.14 ACC and in accordance with the city's design and construction standards, and under the supervision of the city engineer.

1. The amount of the assignment of funds or irrevocable letter of credit or other security shall be 150 percent of the estimated construction cost of all remaining required public improvements, as determined by the applicant, and approved by the city engineer. A substantial portion of the remaining required public improvements, subject to the satisfactory security, shall be completed within the initial 12-month period of the satisfactory security for the plat improvements. The remainder of the improvements shall be completed within six months. During construction, the city engineer may allow a partial release of the financial security as construction progresses:

a. The city engineer shall allow not more than one partial release of the financial security during plat construction;

b. The sequencing of the partial release of the financial security is to be determined by the city engineer prior to the acceptance of the security.

2. The city engineer may allow a single incremental six-month extension of the satisfactory security time frame, beyond the initial 18-month period, if there are unforeseen circumstances, beyond the control of the plat developer, that do not allow the completion of the public improvements.

3. As a condition of the plat improvement permitting approval, the developer shall agree that in the case of the developer's default or failure to complete the improvements as per the approved plans and conditions, including time schedules, the city shall have the authority to complete the construction of public improvements utilizing the above described satisfactory security.

4. The city engineer may further agree to allow the developer to utilize assignment of funds or irrevocable letter of credit or other security acceptable to the city engineer to cover the minimum warranty period.

B. By the formation of a local improvement district consistent with the provisions of Chapter 3.20 ACC and any other applicable requirement of the city and the state.

C. By actual installation of the required improvements in accordance with the provisions of Chapter 17.14 ACC, and in accordance with the city's design and construction standards and under the supervision of the city engineer.

D. By a combination of these methods.

E. For any of the above combinations of methods, other than subsection C, the plat developer shall execute and record against the plat properties, a statement approved by the city attorney which holds the city harmless and limits the city's financial obligation to construct any defaulted private utility facilities and public infrastructure for streets, water utility, sanitary sewer utility, or storm water utility systems to the face value of the bond shall be memorialized on the plat documents. The statement shall also recognize the city's reserved, unilateral rights to establish the schedule for construction of defaulted plat infrastructure. Such statements shall be legally binding upon the heirs and assigns of the developer, subsequent property owners and their heirs and assigns. (Ord. 5670 § 1, 2002; Ord. 5093 § 1, 1998; Ord. 4296 § 2, 1988.)

17.14.015 City engineer's certificate of improvements.

Prior to final approval and after completion of all required improvements and/or the financial guarantee of the construction of all required improvements, the city engineer shall provide a certificate stating the required improvements, in accordance with the provisions of this title and in accordance with city design and construction standards, have been completed or guaranteed or a combination to the satisfaction of the city engineer. (Ord. 5093 § 1, 1998; Ord. 4296 § 2, 1988.)

17.14.020 Street, utilities and grading plans.

Street, water, sanitary sewer, storm drainage and grading plans shall be prepared in conformance with the city's design and construction standards.

17.14.030 Public water service.

Each lot in a subdivision created under this title shall be served by a public water system owned and operated by the city unless the city finds that:

A. City water service is not practical due to topography, distance from city water facilities of adequate capacity, extreme low proposed developmental density, or similar factor; and

B. Private water service will not be detrimental to the implementation of the adopted comprehensive water plan; and

C. Private water service will not pose a threat to the public health, safety or welfare; and

D. Private water service is necessary to accomplish the purposes of this title.

If private water service is approved, preliminary plat approval shall be conditioned on the ability of the subdivider to obtain all necessary approvals for the private water system or systems, and the final plat shall not be approved until the subdivider demonstrates, to the satisfaction of the city engineer, that the proposed water system or systems will adequately serve the domestic water needs of future owners of property within the subdivision. (Ord. 5164 § 1, 1998; Ord. 4296 § 2, 1988.)

17.14.040 Public sanitary sewer service.

Each lot in a subdivision created under this title shall be served by the Auburn sanitary sewer system, consistent with the Sewer Comprehensive Plan unless the city finds that:

A. City sanitary sewer service is not practical due to topography, distance from city sanitary sewer facilities, extreme low proposed developmental density, or similar factor; and

B. On-site sewage disposal systems will not pose a threat to the public health, safety or welfare; and

C. On-site sewage disposal systems are necessary to accomplish the purposes of this title; and

D. The city engineer has reported favorably on the use of on-site sewage disposal systems. (Ord. 5164 § 1, 1998; Ord. 4296 § 2, 1988.)

17.14.050 Street requirements.

A. The subdivision shall abut on and/or be served by an open, maintained public street(s) and the street and block layout shall conform to the most advantageous development of adjoining areas, the entire neighborhood, and shall meet the requirements of the City design and construction standards.

(Ord. 5164 § 1, 1998; Ord. 4296 § 2, 1988.)

17.14.060 Block requirements.

A block shall consist of any two or more contiguous lots which are not separated by a street. Blocks shall meet the requirements of the City design and construction standards.

(Ord. 5164 § 1, 1998; Ord. 4296 § 2, 1988.)

17.14.070 Minimum Improvement Requirements for Approval of Subdivisions and Short Subdivisions

A. Prior to final approval of a subdivision or short subdivision, the following minimum improvements shall be constructed consistent with the approved plans, except that the City Engineer may allow posting of a financial guarantee and/or the execution of a delay of improvement agreement, based on a finding that the deferral of the required improvements is in the best interests of the city.

1. Drainage facilities and erosion control measures consistent with the approved plans;

2. Water mains, services, and hydrant installed, operational, and fire flow available, if required, consistent with the approved plans;

3. Underground electrical and telecommunication improvements required for all public or private utilities and public illumination or traffic signal systems, if required, consistent with the approved plans;

4. Sewer facilities installed and operational, if required, consistent with the approved plans;

5. All curb and gutter installed in all streets within the subdivision or short subdivision consistent with the approved plans;

6. All streets paved up to the final lift of pavement to all lots within the subdivision or short subdivision, consistent with the approved plans;

7. Street name signage installed consistent with the approved plans;

8. Specific site improvements required by the preliminary plat approval ordinance or preliminary short plat approval decision, if the decision requires completion prior to plat recording;

9. Delineation of critical areas that are to remain undeveloped and protected by easement or placement in a separate tract pursuant to Title 16 (Environmental) of the Auburn City Code;

10. Temporary control monuments set by a land surveyor licensed in the state of Washington, located in conformance with this title, and in place prior to final approval of the subdivision or short subdivision. Permanent monuments and control points shall be set and verified by a land surveyor licensed in the state of Washington within 90 days of the final lift of pavement; and

11. Improvements without which the director determines a safety hazard would exist.

B. The City shall have right of entry onto any lot, tract, easement or parcel that is part of the final plat or short plat to ensure compliance with the minimum subdivision improvements required in subsection A of this section.

17.14.080 Underground utilities.

A. Consistent with Titles 12 and 13 and the city's design and construction standards, all utility lines serving the subdivision, including but not limited to power, telephone and television cables shall be installed underground. Adequate easements shall be provided for all such utility lines which will not be located within public right-of-way. Television conduit and miscellaneous hardware shall be installed according to the requirements of Chapter 13.36 ACC.

B. Whenever an intersection of an arterial and any other street is constructed or improved under the requirements of this title, and when the city engineer has determined that traffic signalization of such intersection will be needed in the future, the city engineer may require the installation, at the subdivider's expense, of underground conduit which will be necessary for and will facilitate such future signalization. (Ord. 5164 § 1, 1998; Ord. 4296 § 2, 1988.)

17.14.090 Lot requirements.

A. The area, width and depth of lots shall conform to the requirements of Title 18 ACC, except for development utilizing cluster subdivision as provided for in Chapter 17.26 ACC. The area within a "panhandle" access to a lot shall not be considered for the purpose of determining conformance with lot requirements.

B. The size, shape and orientation of lots shall be appropriate for the location, topography and other natural features of the site and for the type of development contemplated.

C. Every lot shall have a minimum of frontage on an improved public street or private access tract, as provided in Title 18 unless otherwise approved by this title.

D. Corner lots designated for residential uses shall be platted at least five feet wider than required by the zoning ordinance.

E. Every lot shall border on an opened, improved and maintained public street or private access tract.

(Ord. 5542 § 1, 2001; Ord. 5164 § 1, 1998; Ord. 4296 § 2, 1988.)

17.14.100 Parks and playgrounds.

Where dedication of land for park and recreation purposes is required, the hearing examiner shall be guided by the policies and recommended standards of the Auburn parks, recreation, and open space plan. It is the policy of the city to require park land dedication where a proposed subdivision will result in a substantial increase in demand for park land or is needed to prevent or abate public nuisances. Generally, this will occur where a subdivision will result in the creation of lots capable of supporting 50 or more residential dwelling units; however, where it is determined that the proposed subdivision, together with any reasonably anticipated future development on adjacent or nearby land, will act in a cumulative manner to substantially increase demand for park land, dedication may be required of smaller subdivisions. The acceptability of the size, configuration and location of land proposed for park dedication shall be determined by the hearing examiner based upon such factors as topography, drainage, natural amenities and access. (Ord. 6186 § 10, 2008; Ord. 5164 § 1, 1998; Ord. 4772 § 1, 1995; Ord. 4296 § 2, 1988.)

17.14.110 Floods and flood control.

The city may disapprove a proposed subdivision because of flood, inundation or swamp condition if the city finds that such condition poses a threat to the public health, safety or general welfare or causes a public nuisance.

Where any portion of the proposed subdivision lies within the area of special flood hazard or the floodway, the hearing examiner shall impose a condition on the preliminary plat requiring the subdivider to conform to the city's flood hazard area requirements. In such cases, no development permit associated with the proposed subdivision shall be issued by the city until said flood hazard area regulations have been met.

The city may require dedication of land to any public body and/or the construction of improvements and may impose other conditions necessary to protect against flooding or inundation. (Ord. 6186 § 11, 2008; Ord. 5164 § 1, 1998; Ord. 4772 § 1, 1995; Ord. 4296 § 2, 1988.)

17.14.120 Additional requirements.

The standards and requirements established or referenced by this chapter are minimum requirements. These standards may be increased, and additional requirements may be imposed for the purpose of preventing or abating public nuisances or mitigating identified adverse environmental impacts pursuant to the State Environmental Policy Act of 1971 (Chapter 43.21C RCW) as now established or hereafter modified. Such additional requirements may include but shall not be limited to off-site improvements to any public facility, the dedication and/or improvement of parks and open spaces, and monetary contributions to any city fund established to finance the provision of public services required by the subdivision. (Ord. 5164 § 1, 1998; Ord. 4772 § 1, 1995; Ord. 4296 § 2, 1988.)

17.14.010 General provisions.

~~Every short subdivision shall comply with the provisions of this chapter. Land shall be divided by the short subdivision method according to the provisions of this title, if the three following criteria are met:~~

~~A. The division will not result in the creation of more than four lots;~~

~~B. The original tract being divided has not been created by a short subdivision within the previous five years, except that when the short plat contains fewer than four parcels, a revised short plat may be filed within the five-year period to create up to a total of four lots within the original short plat boundaries.~~

~~C. The entire original tract (except adjacent platted or short platted land) shall be included within one short plat application; provided, that a pre-existing, unplatted adjacent parcel may also be excluded if it is 20 acres or greater in size. (Ord. 6006 § 3, 2006; Ord. 5164 § 1, 1998; Ord. 4840 § 1, 1996; Ord. 4296 § 2, 1988.)~~

17.14.020 Preapplication conference.

~~Persons considering making application to short subdivide land are encouraged to request a preapplication conference with appropriate city staff. Preapplication conferences may be requested by filing necessary materials as required by the planning director. (Ord. 6006 § 3, 2006; Ord. 5164 § 1, 1998; Ord. 4840 § 1, 1996; Ord. 4296 § 2, 1988.)~~

17.14.030 Application.

~~In addition to the requirements for submitting applications as set forth in ACG 14.05.020, 10 copies of an application for short subdivision approval shall be submitted to the department of planning, building and community development in a format prescribed by the director and shall meet the following standards:~~

~~A. Drawn to a scale not smaller than one inch equals 100 feet or other approved scale on a sheet size of 18 inches by 24 inches;~~

~~B. The plat shall show the boundary and dimensions of the original tract including its assessor's parcel number, section, township and range and all~~

~~adjoining public or private roads and identifying right-of-way names and widths. The boundary line of each lot to be created shall also be shown;~~

~~C. A vicinity map drawn to of sufficient detail to orient the location of the original tract;~~

~~D. Name and address of the owner of record of the original tract, scale of the drawing and north directional arrow;~~

~~E. The owners in fee simple shall sign a statement indicating the plat is made with their free consent and in accordance with their desires as property owners;~~

~~F. Lots shall be identified by numerical designation. The square footage computation of each lot or parcel shall be sufficiently accurate to show that such lot or parcel contains at least sufficient footage to meet minimum zoning and health requirements. The square footage of land contained in access easements or access panhandles shall not be included in the lot size computations;~~

~~G. The legal description of the original tract;~~

~~H. The location and widths of all easements, public services and utilities within the boundary of the proposed short subdivision as defined in the current title report;~~

~~I. The boundaries of all lands reserved in the deed for common use of the property owners of the short subdivision;~~

~~J. The map and legal descriptions included in the application for a short subdivision shall be prepared and certified by a licensed land surveyor in a format acceptable to the city of Auburn and the Survey Recording Act. Declaration blocks shall be provided for the original tract owner, surveyor, approving governmental agencies, and recording certification, in a manner as prescribed by the director. (Ord. 6006 § 3, 2006; Ord. 5164 § 1, 1998; Ord. 5170 § 1, 1998; Ord. 4840 § 1, 1996; Ord. 4296 § 2, 1988.)~~

~~17.14.035 Survey.~~

~~A. Recordable surveys shall be required for all short subdivisions. All surveys shall be accomplished as required by Chapter 332-130 WAC and Chapter 58-09 RCW.~~

~~B. A licensed professional land surveyor shall complete all lot staking prior to the recording of the short subdivision.~~

~~C. All lot corners, including interior lot corners, shall be marked with a permanent marker that bears the land surveyor's registration number. When the boundary lines follow a meandering line, the "corners" shall be set as directed by the city of Auburn.~~

~~D. When the legal description of the short subdivision utilizes partial or complete section subdivisional breakdown to establish the boundaries, section subdivision survey information shall be shown in accordance with the requirements of WAC 332-130-030.~~

~~E. All reference monuments used in the establishment of the short subdivision corners shall be identified, described and noted as set or found. When appropriate, the survey shall reference previous surveys that served as the basis for the survey.~~

~~F. When the short subdivision is adjacent to a constructed public right-of-way and the plat corners or its offset represent a quarter corner, section corner or donation land claim that is not of record or has been lost (or obliterated), a standard monument shall be placed.~~

~~G. Whenever a short subdivision is adjacent to existing right-of-way, the centerline of the right-of-way shall be located on the plat drawing. If the constructed improvements fall outside of the documented right-of-way, the surveyor shall identify the existing edge of the pavement and limits of the maintained right-of-way section on the drawing and show its relationship to said centerline.~~

~~H. All requirements of Chapter 58.09 RCW and Chapter 332-130 WAC governing minimum standards for land boundary surveys shall be met and a note shall be placed that reads:~~

~~THIS SURVEY COMPLIES WITH ALL THE STANDARDS AND
GUIDELINES OF THE "SURVEY RECORDING ACT" CHAPTER 58.09
RCW AND WAC 332-130.~~

~~(Ord. 6006 § 3, 2006.)~~

~~17.14.040 Accompanying documents.~~

~~An application for short subdivision approval shall be accompanied by the following:~~

~~A. Proof of the date of last legal segregation of the parcel of land to be short subdivided, if deemed necessary by the planning director;~~

~~B. A title report, with liability for errors not to exceed the assessed value of the lots on the date of application. The title report shall be issued no more than 30 days prior to the application date;~~

~~C. A completed environmental checklist form, if the proposed short subdivision is not categorically exempt from threshold determination requirements per WAC 197-11-800(6);~~

~~D. Copy of restrictions, if any, to be imposed upon the use of the land. Such restrictions must be recorded simultaneously with the short subdivision;~~

~~E. In any short subdivision where lots are served or to be served by a private road, the subdivider shall furnish a copy of such further covenants or documents that will result in:~~

~~1. Each lot owner having access thereto and having responsibility for maintenance of any private road contained within the short subdivision in such a condition as to allow free access for emergency vehicles;~~

~~2. Such covenants or documents shall obligate any seller to give actual notice to any prospective purchaser of the method of maintenance of the private road, which notice shall be caused to be included in any deeds or contracts relating to such sale and such covenants or documents shall be recorded simultaneously with the short subdivision. (Ord. 6006 § 3, 2006; Ord. 5164 § 1, 1998; Ord. 4840 § 1, 1996; Ord. 4296 § 2, 1988.)~~

~~17.14.050 Administrative review.~~

~~A. An application for short plat approval shall be approved, approved with conditions, returned to the applicant for modifications, or denied within 30 days of being determined to be a complete application unless the applicant agrees, in writing, to an extension of this time period. The department shall not be considered to be in receipt of a complete application for short plat approval unless and until such time as the application meets the requirements of ACC 17.14.030 and 17.14.040, and a determination of complete application has been issued pursuant to Chapter 14.06 ACC. This time period may be extended if an environmental checklist is required by Chapter 16.06 ACC and such extension does not conflict with applicable requirements contained in ACC Title 14.~~

~~B. Upon receiving a complete application for short subdivision approval, the director shall transmit a copy of the short plat, together with copies of any accompanying documents as the director deems appropriate, to the following:~~

~~1. City engineer, who shall review the proposed short subdivision with regard to its conformance to the general purposes of adopted traffic and utility plans; adequate provisions for storm drainage, streets, alleys, other public ways, water and sanitary sewer; and conformance to any applicable improvement standards and specifications and compliance with Chapter 58.09 RCW and Chapter 332 130 WAC;~~

~~2. City fire marshal, who shall review the proposed short subdivision with regard to adequate provisions for emergency access;~~

~~3. City building official, who shall assign addresses to each lot within the proposed short subdivision;~~

~~4. Any other city department, utility provider, school district or other public or private entity as the director deems appropriate.~~

~~C. In transmitting the proposed short plat to the parties referenced above, the director shall solicit their comments and recommendations, and note the date by which comments and recommendations must be received by the department in order to be considered. Any comments received by that date will form the basis of the director's decision on the short subdivision. However, in every case a proposed short plat shall contain a statement of approval from the city engineer, as to the survey data, the layout of streets, alleys and other rights-of-way, design of bridges, sewer and water systems and other structures. The planning director shall not approve a short plat that does not contain such a statement signed by the city engineer.~~

~~D. The planning director shall review the proposed short subdivision and determine its conformance to the general purposes of this title, its conformance to the Auburn comprehensive plan, its conformance to ACC Title 18, and any other applicable land use controls. (Ord. 6061 § 3, 2006; Ord. 6006 § 3, 2006; Ord. 5164 § 1, 1998; Ord. 4840 § 1, 1996; Ord. 4772 § 1, 1995; Ord. 4296 § 2, 1988.)~~

~~17.14.055 Improvement requirements.~~

~~A. Lot Area and Dimensions. Each lot created by short subdivision shall contain sufficient square footage and lot dimensions to meet the requirements of ACC Title 18. Each lot to be served by an on-site sewage disposal system shall be a minimum of 15,000 square feet in area and shall also meet the minimum lot area requirements of the county department of health rules and regulations, as determined by the city engineer. Land contained in access easements, tracts or panhandles shall not be included in lot area or lot dimension calculations for the purposes of this section.~~

~~B. Every lot within a short plat shall be capable of being reasonably served by public or private sewage disposal, water, storm drainage facilities and streets. The city will not approve a short plat for which a building permit cannot be issued because of insufficient infrastructure.~~

~~C. Conformance with Adopted Plans. Street, water, sewer and storm drainage facilities adjacent to or within the short subdivision shall be in conformance with adopted city ordinances, standards and policies. Easements for utilities recommended by such plans shall be provided to the city, with the exact location of such easements to be determined by the city engineer.~~

~~D. Floods, Flood Control and Storm Drainage.~~

~~1. Where any portion of the proposed short subdivision lies within the 100-year flood hazard area or the regulatory floodway, the director shall impose a condition on the short plat requiring the subdivider to conform to the Federal Emergency Management Agency (FEMA) flood hazard requirements.~~

~~2. A conceptual storm drainage/site grading plan shall be required to be submitted, as part of the short plat application, unless waived by the city engineer.~~

~~E. Adjacent Streets. When any public street lying adjacent to the property being short subdivided has insufficient width or for any other reason does not conform to minimum street standards, as described in ACC 17.12.090 through 17.12.150, sufficient additional right of way shall be dedicated to the city and appropriate improvements shall be made by the subdivider to conform the abutting half of the street to such standards. Such improvements may be delayed if guaranteed to the satisfaction of the city engineer. Any such guarantee shall be recorded with the plat and shall be binding upon the property owner and the owner's heirs, successors and assigns. In deciding whether a delay should be allowed, the city engineer shall consider the present and future need for such improvement, the improved or unimproved nature of adjacent right-of-way, and whether or not street grades have been established.~~

~~F. Access.~~

~~1. All short subdivisions shall border on an opened, constructed and maintained public street. All lots within a short subdivision shall either border on an opened, constructed and maintained public street or shall be served by a private street, access easement, tract or panhandle having direct access to such a public street. Where private streets and access easements are provided, they~~

~~shall be improved or guaranteed to the city of Auburn and be in conformance with the city of Auburn design and construction standards.~~

~~2. All private streets, access easements and panhandles shall be capable of meeting the fire access requirements of Chapter 15.36A ACC and the development standards of Chapter 18.48 ACC, in addition to any other requirements of this title, including, but not limited to, all-weather surface material as provided by the city engineer, where not otherwise required to be paved, and minimum turnaround requirements on dead-end streets or access easements as specified by the fire department.~~

~~G. Dedication of Streets.~~

~~1. Dedication of a public street or streets may be required, whenever the planning director finds that one or more of the following conditions applies:~~

~~a. The general alignment of a proposed private street, access easement or panhandle follows the general alignment of a future arterial as shown in the comprehensive plan; or~~

~~b. The general alignment of a proposed private street, access easement or panhandle can be reasonably modified to provide a desirable through-connection between two or more existing or planned public streets or arterials; or~~

~~c. A public street would be necessary to provide adequate access to adjacent property not subject to the proposed short subdivision.~~

~~2. Whenever the director makes such a finding the short plat shall be returned to the applicant and a public hearing scheduled on the proposed street dedication. The hearing examiner shall conduct the hearing pursuant to ACC 18.66.150 and make a decision. Subsequent to the hearing examiner's decision, the applicant shall prepare a statutory warranty deed, dedicating the street, and together with the deed return the short plat to the director for action.~~

~~H. Fire Hydrants. All lots within a short plat shall be capable of being served by a fire hydrant as required by Chapter 13.16 ACC. Property zoned RR, rural residential, may be exempt, provided the requirements of ACC 13.16.030 are met. (Ord. 6186 § 12, 2008; Ord. 6006 § 3, 2006.)~~

~~17.14.060 Planning director's decision.~~

~~A. The planning director shall, within the time period described by ACC 17.14.050(A), take one of the following actions:~~

~~1. Approve the short subdivision with or without conditions;~~

~~2. Return the short plat to the applicant for correction or modification or for the construction of improvements as requested by the city engineer or fire marshal; or~~

~~3. Disapprove the short subdivision.~~

~~B. The director may require, as a condition of plat approval, that any required improvements be guaranteed by one of the methods described by ACC 17.08.010, prior to short plat approval or issuance of building permits for any lot within the short plat.~~

~~C. Upon reaching a decision, the director shall so notify the applicant. Such notification shall comply with any applicable requirements contained in ACC Title 14 and contain any conditions of approval.~~

~~D. The applicant shall submit a Mylar drawing of the short plat for signature, together with an updated title report. The final Mylar drawing shall be presented for recording and shall contain all survey information required for a record of survey under Chapter 58.09 RCW and Chapter 332-130 WAC.~~

~~E. Any person aggrieved by the decision of the planning director may appeal, within 14 days of mailing the decision, the decision to the hearing examiner in accordance with procedures prescribed in ACC 18.70.050(B) through (E). The city shall extend the appeal period for an additional seven days for short plats that are accompanied by a final mitigated determination of nonsignificance or final EIS. After public hearing thereon, the hearing examiner may approve, disapprove or return the short plat to the applicant for modification, correction, construction of improvements, or meeting conditions of approval. The hearing examiner's decision shall be final unless appealed to superior court as prescribed in ACC 18.66.160. (Ord. 6186 § 13, 2008; Ord. 6006 § 3, 2006; Ord. 5164 § 1, 1998; Ord. 4840 § 1, 1996; Ord. 4296 § 2, 1988.)~~

~~17.14.070 Distribution and filing.~~

~~The Mylar original of the approved short plat shall be forwarded to the appropriate county office for recording. The short plat must be recorded within 30 days or the short plat shall become null and void. A recorded Mylar copy shall be provided to the city and applicant. (Ord. 6061 § 4, 2006; Ord. 6006 § 3, 2006; Ord. 5164 § 1, 1998; Ord. 4840 § 1, 1996; Ord. 4296 § 2, 1988.)~~

~~17.14.080 Conditional approval requirements.~~

~~Where a short plat is approved subject to conditions, no building permit shall be issued for property subject to the short subdivision prior to the conditions either being fulfilled or guarantees provided to ensure the conditions are met. (Ord. 6006 § 3, 2006; Ord. 5164 § 1, 1998; Ord. 4840 § 1, 1996; Ord. 4296 § 2, 1988.)~~

~~17.14.090 Release of improvement guarantee.~~

~~If an improvement bond or other guarantee has been submitted under ACC 17.14.060(B), such guarantee shall be released upon acceptance by the city of a properly executed bill of sale for such improvements. A portion of the guarantee equivalent to 10 percent of the value of public improvements installed may be retained by the city for a period of time up to one year after acceptance, to ensure the adequate operation of such improvements, following which any unused portion of such guarantee shall be released. (Ord. 6006 § 3, 2006; Ord. 5164 § 1, 1998; Ord. 4840 § 1, 1996; Ord. 4296 § 2, 1988.)~~

~~17.14.100 Improvement requirements.~~

~~Repealed by Ord. 6006. (Ord. 5164 § 1, 1998; Ord. 5170 § 1, 1998; Ord. 4840 § 1, 1996; Ord. 4296 § 2, 1988.)~~

~~17.14.110 Unbuildable lots.~~

~~Repealed by Ord. 6006. (Ord. 5164 § 1, 1998; Ord. 4840 § 1, 1996; Ord. 4296 § 2, 1988.)~~

Chapter 17.16
NEIGHBORHOOD CIRCULATION PLAN BOUNDARY LINE ADJUSTMENTS

Sections:

~~17.16.005 Purpose.~~

~~17.16.010 Neighborhood Circulation Plan. Scope.~~

~~17.16.020 Application.~~

~~17.16.030 Administrative review.~~

17.16.010 Neighborhood Circulation Plan.

A. Purpose. A neighborhood circulation plan is conceptual plan that outlines the vehicular and non-motorized circulation within and between a proposed plat and the surrounding area consistent with the City's comprehensive transportation plan. The neighborhood circulation plan allows the city to coordinate and plan for future circulation networks that will provide transportation alternatives for citizens of the city.

B. Applicability. A neighborhood circulation plan shall be submitted for all preliminary plats and binding site plans pursuant to application requirements of ACC 17.10 and ACC 17.24.

C. Components of a Neighborhood Circulation Plan.

The Neighborhood Circulation Plan shall show the following:

1. Planned street system. The planned street system must be compatible with the city's comprehensive transportation plan. Development which is proposed in areas of the city which have a planned street system which is a part of the comprehensive plan or the city's six (6) year plan, and any other street plan, shall make provisions for such streets and must not cause implementation of such street plans to become unattainable.

2. Non-motorized transportation routes. Preliminary plats and binding site plans which are proposed in areas of the city which have planned routes or facilities for bicycles, equestrian, or other non-motorized transportation mode which is a part of the comprehensive plan or the city's six (6) year plan, and any other street plan, shall make provisions for such routes and must not cause implementation of such routes to become unattainable.

3. A non-motorized circulation system shall be integrated into the overall subdivision and surrounding area.

a. When abutting vacant or underdeveloped land, new developments shall provide for the opportunity for future connection to its interior pathway system through the use of pathway stub-outs, building configuration, and/or

parking lot layout. The proposed location of future non-motorized and pedestrian connections shall be reviewed in conjunction with applicable development approval.

b. Developments shall include an integrated non-motorized circulation system that connects buildings, open spaces, and parking areas with the adjacent street sidewalk system.

c. Pedestrian connections to existing or proposed trails/pedestrian routes on adjacent properties shall be provided unless there are physical constraints such as sensitive areas that preclude the construction of a pedestrian connection.

~~17.16.005 Purpose.~~

~~The purpose of this chapter is to define the criteria used by the city of Auburn to review boundary line adjustments. Boundary line adjustments are intended to provide a procedure for minor changes to the location of a boundary line. This chapter is also intended to ensure compliance with Chapter 58.09 RCW. (Ord. 6006 § 4, 2006.)~~

~~17.16.010 Scope.~~

~~The boundary lines separating two or more lots of record may be adjusted under the provisions of this chapter; provided, that such adjustment:~~

~~A. Will not result in the creation of any additional lot, tract, parcel, site or division;~~

~~B. Will not create any lot, tract, parcel, site or division which contains insufficient area and dimensions to meet the requirements of ACC Title 18;~~

~~C. Will not adversely affect storm drainage, water supply, existing sanitary sewage disposal, access easements for vehicles, utilities and fire protection;~~

~~D. Will not create or diminish any easement or otherwise deprive any parcel of access or utilities;~~

~~E. Will be consistent with any applicable health, building or similar regulations;~~

~~F. Will not increase the nonconforming aspects of an existing nonconforming lot. (Ord. 6006 § 4, 2006; Ord. 4840 § 1, 1996; Ord. 4296 § 2, 1988.)~~

~~17.16.020 Application.~~

~~A. In addition to the requirements for submitting a complete application as set forth in ACC 14.05.020, six copies of an application for a boundary line adjustment shall be submitted to the planning department in a format prescribed by the planning director, signed and stamped by a professional land surveyor, drawn to a scale not smaller than one inch equals 100 feet or other approved scale on a sheet size of 18 inches by 24 inches, clearly showing the following information:~~

~~1. The proposed lot lines for all affected lots, indicated by heavy solid lines;~~

~~2. The existing lot lines proposed to be changed, indicated by heavy broken lines;~~

~~3. The location and dimensions of all structures and improvements existing upon the affected lots in proximity to the lot lines being adjusted, and the distance between the structure/improvements and the proposed boundary lines;~~

~~4. The original legal description of the original parcels together with new separate legal descriptions for each revised parcel, labeling the affected parcels specifically as "Parcel A," "Parcel B," etc.;~~

~~5. The position of permanent markers bearing the surveyor's registration number set at each new property corner;~~

~~6. The parcel numbers of all affected lots;~~

~~7. The location of the property to quarter/quarter section, township and range;~~

~~8. The location and dimensions of any drainfield, easement or right of way existing within any affected lot;~~

~~9. The area and dimensions of each lot following the proposed adjustment;~~

~~10. The existing and, if applicable, proposed future method of sewage disposal for each affected lot. Where any lot affected by a proposed lot line adjustment is served or is likely to be served in the future by an on-site sewage disposal system, a percolation test for each such lot may be required by the city engineer when the city engineer finds that the proposed adjustment could adversely affect the ability of such lot to be adequately served by such on-site system;~~

~~11. Declaration blocks shall be provided for the lot owner(s), surveyor, approving governmental agencies and recording certification in a manner as prescribed by the planning director;~~

~~12. A boundary line adjustment may contain conveyance language that provides for the transference of property between the affected lots.~~

~~B. Boundary line adjustment applications shall be submitted to the planning department with a title report, with liability for errors not to exceed the assessed value of the lots on the date of application. The title report shall be no more than 30 days prior to the application date. The city may request an updated title report prior to approval at its discretion.~~

~~C. The final Mylar for recording shall contain all survey information required for a record of survey under Chapter 58.09 RCW and Chapter 332-130 WAC.~~

~~D. All newly established lot corners shall be permanently marked with the land surveyor's registration number. When the boundary lines follow a meandering line, the "corners" shall be set as directed by the city of Auburn.~~

~~E. When the legal description of the boundary line adjustment utilizes partial or complete section subdivisional breakdown to establish the boundaries, section subdivision survey information shall be shown in accordance with the requirements of WAC 332-130-030.~~

~~F. All reference monuments used in the establishment of the boundary line adjustment corners shall be identified, described and noted as set or found.~~

~~When appropriate, the survey shall reference previous surveys that served as the basis for the survey.~~

~~G. When the boundary line adjustment is adjacent to a constructed public right-of-way and the plat corners or its offset represent a quarter corner, section corner or donation land claim that is not of record or has been lost (or obliterated), a standard monument shall be placed.~~

~~H. Whenever a short subdivision is adjacent to existing right-of-way, the centerline of the right-of-way shall be located on the plat drawing. If the constructed improvements fall outside of the documented right of way, the surveyor shall identify the existing edge of the pavement and limits of the maintained right-of-way section on the drawing and show its relationship to said centerline.~~

~~I. All requirements of Chapter 58.09 RCW and Chapter 332-130 WAC governing minimum standards for land boundary surveys shall be met and a note shall be placed on the Mylar that reads:~~

~~THIS SURVEY COMPLIES WITH ALL THE STANDARDS AND GUIDELINES OF THE "SURVEY RECORDING ACT" CHAPTER 58.09 RCW AND WAC 332-130.~~

~~(Ord. 6006 § 4, 2006; Ord. 4840 § 1, 1996; Ord. 4296 § 2, 1988.)~~

~~17.16.030 Administrative review.~~

~~An application for a boundary line adjustment shall be approved, approved with conditions, returned to the applicant for modifications or denied within 15 days of determining the application to be complete. The department shall not be considered to be in receipt of a complete application unless and until such time as the application meets the requirements of ACC 17.16.020, as determined by the director.~~

~~A. The planning director shall forward one copy of the proposed boundary line adjustment plan to the building official, public works and fire departments, who shall review the plan and submit comments to the planning director within 10 days of receipt.~~

~~B. Following receipt of the comments of those consulted under subsection A of this section, but no later than 15 days following receipt of a complete application, the planning director shall approve or deny the requested boundary line adjustment. Following a decision, the director shall notify the applicant to file a final Mylar drawing for signatures. The Mylar shall be transmitted to the appropriate county office for recording. The boundary line adjustment must be recorded within 30 days or the lot line adjustment shall be null and void. A recorded Mylar copy shall be provided to the city and applicant.~~

~~C. An aggrieved person may appeal the director's decision on a boundary line adjustment, within 14 days of mailing the director's decision, to the hearing examiner, in accordance with procedures prescribed in ACC 18.70.050(B) through (E). The hearing examiner's decision shall be final unless appealed to superior court as prescribed in ACC 18.66.160. (Ord. 6186 § 14, 2008; Ord. 6061~~

~~§ 5, 2006; Ord. 6006 § 4, 2006; Ord. 5170 § 1, 1998; Ord. 4840 § 1, 1996; Ord. 4296 § 2, 1988.)~~

Chapter 17.18 **MODIFICATIONS OF STANDARDS AND SPECIFICATIONS**

Sections:

17.18.005 Purpose.

17.18.010 Formal subdivisions.

17.18.020 Short subdivisions.

17.18.030 Findings of fact.

17.18.040 Conditions.

17.18.005 Purpose

This chapter details methods of modifying standards or specifications of either a formal subdivision or a short subdivision and the findings of fact that must be made to approve such modification.

17.18.010 Formal subdivisions.

A. The hearing examiner may approve a modification of any standard or specification established or referenced by Chapter 17.14~~12~~ ACC or established or referenced in the city's design standards or construction standards, upon making the findings of fact in ACC 17.18.030, provided that the hearing examiner shall obtain the concurrence of the city engineer for any requests to modify any City of Auburn design or construction standard.

B. The request for modification shall be processed simultaneously with the preliminary plat and the applicant shall submit the modification on forms provided by the planning department. (Ord. 6186 § 15, 2008; Ord. 4296 § 2, 1988.)

17.18.020 Short subdivisions.

A. The ~~planning director hearing examiner~~ may approve a modification of any standard or specification established or referenced by Chapter 17.09~~14~~ ACC or established or referenced in the city's design standards or construction standards, upon making the findings of fact in ACC 17.18.030, provided that the planning director shall obtain the concurrence of the city engineer for any requests to modify any City of Auburn design or construction standard.~~, except that the requirement of ACC 17.14.100(A) shall not be lessened, upon making the findings of fact in ACC 17.18.030.~~

B. The applicant shall submit the modification on forms provided by the planning department. ~~The modification shall also be accompanied by a written agreement agreeing to the extension of time period as provided in ACC 17.14.050(A).~~

C. ~~The hearing examiner shall conduct a public hearing consistent with ACC 18.70.040. The examiner's decision shall be final subject to appeal to superior court in a manner as provided in ACC 18.66.160. (Ord. 6186 § 16, 2008; Ord. 4296 § 2, 1988.)~~

17.18.030 Findings of fact.

A. Such modification is necessary because of special circumstances related to the size, shape, topography, location or surroundings of the subject property, to provide the owner with development rights and privileges permitted to other properties in the vicinity and in the zoning district in which the subject property is located;

B. That, because of such special circumstances, the development of the property in strict conformity with the provisions of this title will not allow a reasonable and harmonious use of the property;

C. That the modification, if granted, will not alter the character of the neighborhood, or be detrimental to surrounding properties in which the property is located;

D. Such modification will not be materially detrimental to the implementation of the policies and objectives of the comprehensive land use, ~~circulation~~ transportation and utility comprehensive plans of the city;

E. Literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district;

F. The approval of the modification will be consistent with the purpose of this title;

G. The modification cannot lessen the requirements of the zoning ordinance. Any such modification must be processed as a variance pursuant to ACC 18.70.010. (Ord. 4296 § 2, 1988.)

17.18.040 Conditions.

In authorization of a modification, the hearing examiner or planning director may attach thereto such conditions regarding the location, character and other features of the proposed modification as he or she may deem necessary to carry out the spirit and purpose of this title and in the public interest. (Ord. 4296 § 2, 1988.)

Chapter 17.20 SUBDIVISION ALTERATIONS-VACATIONS

Sections:

17.20.005 Purpose.

17.20.010 Scope. Application.

17.20.020 Application. Streets, roads, and alleys.

17.20.030 Public hearing.

17.20.040 Assessments. Title to vacated property.

17.20.050 Revised plat drawings.

17.20.005 Purpose

This Chapter provides the process and requirements for altering an existing subdivision of land that cannot be accomplished through another land division process.

17.20.010 Scope.

Alterations to an existing subdivision which cannot be processed as formal subdivisions, short subdivisions, boundary line adjustments or subdivision vacations shall be processed pursuant to the requirements of this chapter. (Ord. 4296 § 2, 1988.)

17.20.020 Application.

A. When any person is interested in the alteration of any subdivision or the altering of any portion thereof, that person shall submit an application to the city.

B. The application shall contain signatures of the majority of those persons having an ownership interest of lots, tracts, parcels, sites or divisions in the subject subdivision or portion to be altered. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision or portion thereof.

C. The application shall also be accompanied by a drawing showing the details of the alteration. (Ord. 4296 § 2, 1988.)

17.20.030 Public hearing.

The hearing examiner shall conduct a public hearing pursuant to ACC 17.10.030 on the application for an alteration and may approve or deny the application for alteration of the subdivision after determining the public use and interest to be served by the alteration of the subdivision. (Ord. 6186 § 17, 2008; Ord. 4296 § 2, 1988.)

17.20.040 Assessments.

If any land within the alteration is part of an assessment district, any outstanding assessments shall be equitably divided and levied against the remaining lots, parcels, or tracts or be levied equitably on the lots resulting from the alteration. (Ord. 4296 § 2, 1988.)

17.20.050 Revised plat drawings.

A. If the hearing examiner approves an alteration, the applicant shall provide a revised plat drawing to reflect the alteration. The drawing shall also contain any revised legal descriptions.

B. The revised drawing shall be prepared by a professional land surveyor licensed in the State of Washington if the director determines the alteration is detailed enough to require complete and accurate drawings.

C. The revised drawing shall be signed by the applicable departments pursuant to this title and be recorded at the appropriate King County offices for properties located in King County or recorded at the appropriate Pierce County offices for properties located in Pierce County. (Ord. 6186 § 18, 2008; Ord. 5170 § 1, 1998; Ord. 4296 § 2, 1988.)

17.20.010 Application.

~~A. Whenever a person is interested in the vacation of any subdivision or portion thereof, or any area designated or dedicated for public use, that person shall file an application for vacation with the city.~~

~~B. The application shall set forth the reasons for vacation and shall contain signatures of all parties having an ownership interest in that portion of the subdivision subject to vacation. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for vacation would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the vacation of the subdivision or portion thereof. (Ord. 4296 § 2, 1988.)~~

17.20.020 Streets, roads, and alleys.

~~A. When the vacation application is specifically for a road, street or alley, the procedures for street vacation in Chapter 12.48 ACC shall be utilized for the vacation.~~

~~B. When the application is for the vacation of the plat together with the roads, streets, and/or alleys, the procedure for vacation in this chapter shall be used. (Ord. 4296 § 2, 1988.)~~

17.20.030 Public hearing.

~~The hearing examiner shall conduct a public hearing pursuant to ACC 17.06.030 on the application for a vacation and may recommend to the council to~~

~~approve or deny the application for vacation of the subdivision after determining the public use and interest to be served by the vacation of the subdivision. The council shall adopt by ordinance any approval of a vacation pursuant to this chapter. (Ord. 4296 § 2, 1988.)~~

~~17.20.040 Title to vacated property.~~

~~A. If any portion of the land contained in the subdivision was dedicated to the public for public use or benefit, such land, if not deeded to the city shall be deeded to the city unless the city council shall set forth findings that the public use would not be served in retaining title to those lands.~~

~~B. Title to the vacated property shall vest with the rightful owner as shown in the county records. If the vacated land is land that was dedicated to the public, for public use other than a road or street, and the city council has found that retaining title to the land is not in the public interest, title thereto shall vest with the person or persons owning the property on each side thereof, as determined by the city council. When the road or street that is to be vacated was contained wholly within the subdivision and is part of the boundary of the subdivision, title to the vacated road or street shall vest with the owner or owners of property contained within the vacated subdivision.~~

~~C. If it is necessary to retain an easement through any portion of vacated property, the easements shall be properly executed and recorded concurrent with the ordinance approving the vacation. (Ord. 4296 § 2, 1988.)~~

Chapter 17.22

SUBDIVISION VACATIONS ALTERATIONS

Sections:

17.22.005 Purpose.

17.22.010 Application. Scope.

17.22.020 Streets, roads, and alleys. Application.

17.22.030 Public hearing.

17.22.040 Title to vacated property. Assessment.

17.22.050 Revised plat drawings.

17.22.005 Purpose

This chapter provides specifications for the process and requirements of vacating a subdivision or portion of a subdivision, or any land dedicated for public use, except right-of-ways associated with public streets.

17.22.010 Application.

A. The application shall set forth the reasons for vacation and shall contain signatures of all parties having an ownership interest in that portion of the subdivision subject to vacation. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for vacation would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the vacation of the subdivision or portion thereof. (Ord. 4296 § 2, 1988.)

17.22.020 Streets, roads, and alleys.

A. When the vacation application is specifically for a road, street or alley, the procedures for street vacation in Chapter 12.48 ACC shall be utilized for the vacation.

B. When the application is for the vacation of the plat together with the roads, streets, and/or alleys, the procedure for vacation in this chapter shall be used. (Ord. 4296 § 2, 1988.)

17.22.030 Public hearing.

The hearing examiner shall conduct a public hearing pursuant to ACC 17.10.030 on the application for a vacation and may recommend to the council to approve or deny the application for vacation of the subdivision after determining the public use and interest to be served by the vacation of the subdivision. The council shall adopt by ordinance any approval of a vacation pursuant to this chapter. (Ord. 4296 § 2, 1988.)

17.22.040 Title to vacated property.

A. If any portion of the land contained in the subdivision was dedicated to the public for public use or benefit, such land, if not deeded to the city shall be deeded to the city unless the city council shall set forth findings that the public use would not be served in retaining title to those lands.

B. Title to the vacated property shall vest with the rightful owner as shown in the county records. If the vacated land is land that was dedicated to the public, for public use other than a road or street, and the city council has found that retaining title to the land is not in the public interest, title thereto shall vest with the person or persons owning the property on each side thereof, as determined by the city council. When the road or street that is to be vacated was contained wholly within the subdivision and is part of the boundary of the subdivision, title to the vacated road or street shall vest with the owner or owners of property contained within the vacated subdivision.

C. If it is necessary to retain an easement through any portion of vacated property, the easements shall be properly executed and recorded concurrent with the ordinance approving the vacation. (Ord. 4296 § 2, 1988.)

17.22.010 Scope.

~~Alterations to an existing subdivision which cannot be processed as subdivisions, short subdivisions, lot line adjustments or vacations shall be processed pursuant to the requirements of this chapter. (Ord. 4296 § 2, 1988.)~~

17.22.020 Application.

~~A. When any person is interested in the alteration of any subdivision or the altering of any portion thereof, that person shall submit an application to the city.~~

~~B. The application shall contain signatures of the majority of those persons having an ownership interest of lots, tracts, parcels, sites or divisions in the subject subdivision or portion to be altered. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision or portion thereof.~~

~~C. The application shall also be accompanied by a drawing showing the details of the alteration. (Ord. 4296 § 2, 1988.)~~

17.22.030 Public hearing.

~~The hearing examiner shall conduct a public hearing pursuant to ACC 17.06.030 on the application for an alteration and may approve or deny the application for alteration of the subdivision after determining the public use and interest to be served by the alteration of the subdivision. (Ord. 6186 § 17, 2008; Ord. 4296 § 2, 1988.)~~

~~17.22.040 Assessments.~~

~~If any land within the alteration is part of an assessment district, any outstanding assessments shall be equitably divided and levied against the remaining lots, parcels, or tracts or be levied equitably on the lots resulting from the alteration. (Ord. 4296 § 2, 1988.)~~

~~17.22.050 Revised plat drawings.~~

~~A. If the hearing examiner approves an alteration, the applicant shall provide a revised plat drawing to reflect the alteration. The drawing shall also contain any revised legal descriptions.~~

~~B. The revised drawing may need to be prepared by a licensed land surveyor if the director determines the alteration is detailed enough to require complete and accurate drawings.~~

~~C. The revised drawing shall be signed by the applicable departments pursuant to this title and be recorded at the appropriate King County offices for properties located in King County or recorded at the appropriate Pierce County offices for properties located in Pierce County. (Ord. 6186 § 18, 2008; Ord. 5170 § 1, 1998; Ord. 4296 § 2, 1988.)~~

Chapter 17.24
BINDING SITE PLANS AMENDMENTS

- 17.24.010 Purpose ~~Public hearing and notice.~~
17.24.020 Approval Process ~~Planning commission recommendation.~~
17.24.030 Application Submission Requirements ~~Council action.~~
17.24.040 Certification of Site Plan Compliance ~~Initiation of amendments.~~
17.24.050 Vacation or Alteration of Approved Binding Site Plan

17.24.010 Purpose.

The purpose of the binding site plan process is to provide an alternative to the standard subdivision process for specific types of development. The binding site plan shall only be applied for the purpose of dividing land for:

A. Sale or lease of commercially- or industrially-zoned property as provided in RCW 58.17.040(4);

B. Mixed use development; and

C. Condominiums as provided in either RCW 64.32 or 64.34 consistent with RCW 58.17.040(7).

17.24.020 Approval Process.

A. Approval process. An application for a binding site plan review shall be processed by means of a Type II procedure in Title 14 and pursuant to applicable sections of Title 18 the Zoning Code using approval criteria in Section (B) below.

B. Preliminary binding site plan approval. The Planning Director or designee shall have the authority to review and approve, deny or approve with conditions a proposed binding site plans for the purposes of land division as described in ACC 17.24.010. To grant preliminary approval for a binding site plan application, the Planning Director or designee, with concurrence from the City Engineer for public facilities, must determine that the binding site plan is in accordance with the following:

1. Applicable standards of Title 12 (Streets and Sidewalks), Title 13 (Water, Sewer and Public Utilities), Title 15 (Building and Construction), Title 16 (Environment), Title 18 (Zoning) and Title 19 (Impact Fees) and the applicable plan policies of the Comprehensive Plan outlined by staff as being applicable to the proposed development;

2. Technical standards contained in ACC 17.14 (Improvement Requirements for Subdivisions); and

3. Required mitigation measures imposed as a part of the SEPA review process, if applicable.

C. The City Engineer shall approve the design and construction of all public water, sanitary sewer, storm drainage and streets or that involves private storm drainage or that lies within an area of special flood hazard. This approval shall be obtained prior to the granting of final binding site plan pursuant to the provisions of ACC 17.24.040 and shall occur in accordance with the City's specified engineering approval procedures.

D. All development shall be in conformity with the approved binding site plan and any existing or subsequent applicable permit approval. Each binding site plan document shall reference the requirement for compliance with any existing or subsequent permit approval.

E. Final approval must be acquired within 5 years of preliminary approval, after which time the preliminary binding site plan approval is void. The Planning Director may grant an extension for 1 year if the applicant has diligently pursued submittal of the final binding site plan within the 5 year time period; provided, however, the applicant must file a written request with the original decision maker requesting the extension at least 30 days before expiration of the 5 year period.

17.24.030 Application Submission Requirements.

A. Submission requirements. Whenever an applicant desires to create legal lots by means of a binding site plan pursuant to this Chapter in conjunction with a new development or existing development, the applicant shall comply with the requirements of this chapter and shall submit the following in addition to all other information specified in the binding site plan application checklist:

1. Application materials in accordance with ACC 17.02.065.

2. A neighborhood circulation plan meeting the requirements of ACC 17.16.

3. Plans. The applicant shall provide the following plan information:

a. Existing Conditions Plan. An existing condition plan that provides information, including but not limited to: land uses and land development within the vicinity, project site detail, and location, names, details relating to existing and proposed

structures, existing and proposed infrastructure, and other detail as required by the binding site plan application.

b. Binding Site Plan. The proposed binding site plan and detail as noted in binding site plan application checklist.

c. Narrative. A comprehensive narrative addressing how the development complies with the technical standards in ACC 17.14 (Improvement Requirements - Subdivisions), applicable standards of Title 12 (Streets and Sidewalks), Title 13 (Water, Sewer and Public Utilities), Title 15 (Building and Construction), Title 16 (Environment), Title 18 (Zoning) and Title 19 (Impact Fees) and the applicable plan policies of the Comprehensive Plan outlined by staff as being applicable to the proposed development.

d. Conceptual utility/site grading plan and/or methodology prepared in accordance with the City's comprehensive plans, standards or ordinance requirements inclusive of adequate horizontal and vertical information to insure that utilities can be constructed consistent with the binding site plan layout and the location of other utilities other than those provided by the city.

e. Conceptual transportation site plan for streets, pedestrian, and bike facilities inclusive of adequate horizontal and vertical information to insure the transportation facilities can be constructed consistent with the binding site plan layout.

f. Title report, with liability for errors not to exceed the assessed value of the lots on the date of application. The title report shall be issued no more than 30 days prior to the application date.

17.24.040 Certification of Site Plan Compliance.

A. Certification process. Any binding site plan approved under the provisions of Section 17.24.020 shall be certified to comply with the requirements of this chapter by the Director or designee. Certification shall consist of the signatures of the Planning Director and City Engineer and other City department representatives and representatives of outside agencies as deemed appropriate by the Planning Director, and recording with the appropriate county office with a record of survey. The survey document shall include all required notes pertaining to development of the properties and a statement legally binding all current and

future owners to comply with the conditions of approval. These may be provided as separate documents.

B. Revocation of certification. Certification may not be revoked unless the Director finds that the plan, use or development project would violate the requirements of the Auburn City Code or the Revised Code of Washington.

C. Criteria for creation of lots, parcels or tracts. Lots, parcels or tracts created through the binding site plan process shall be considered legal lots of record. The number of lots, tracts, parcels, sites or divisions shall not exceed the maximum number allowed by the applicable zoning district designation and other applicable regulations of Title 18 (Zoning).

D. Legally responsible party. All provisions, conditions and requirements of the binding site plan shall be legally enforceable on the purchaser or any other person acquiring a lease or other ownership interest of any lot, parcel, or tract created pursuant to the binding site plan.

17.24.050 Vacation or Alteration of Approved Binding Site Plan.

A. Alteration or vacation. A binding site plan may be altered or vacated if requested, in writing, by all owners of the properties directly affected. An application shall be submitted on a form prescribed by the Director or designee. In the instance of a revision the applicant shall submit all of the materials required for preliminary binding site plan review. In the instance of a vacation the burden of proof for justifying the vacation of the binding site plan shall be on the applicant. The applicant must prove that no property, either within the boundaries of the property to which the binding site plan is applied or adjacent property, will be adversely impacted; the vacation will not have an adverse impact on the provision of utilities in the area; no open spaces or recreational facilities will be adversely affected by the vacation.

B. Procedure for alteration or vacation. The decision on an alteration or vacation of a binding site plan shall be required to go through the same procedures as an original application, including notification and preparation of staff reports. The appeal procedures for binding site plan approval shall also be applicable to a requested alteration or vacation.

17.24.010 Public hearing and notice.

~~A. With the exception of purely administrative or procedural amendments, the planning director shall schedule a public hearing to be held before the planning commission for any proposal to amend this title or to adopt or repeal any ordinance under the authority established by Chapter 58.17 RCW. The director shall cause notice of such hearing to be given as follows:~~

~~1. By sending to any individual or organization which has submitted a request for notification a notice indicating the time and place of public hearing, describing the general nature of the proposal, and indicating how copies of the proposed ordinance or amendment can be obtained; and~~

~~2. By publishing in a newspaper of general circulation in the area a notice indicating the time and place of public hearing, describing the general nature of the proposal, and indicating how copies of the proposed ordinance or amendment may be obtained.~~

~~B. For all proposals to make purely administrative or procedural amendments to this title, the planning director shall cause notice of such proposed amendment to be given as follows:~~

~~1. By sending to any individual or organization which has submitted a request for notification, advance notice of the proposed amendment that indicates how copies of the proposed amendment can be obtained.~~

~~2. By publishing in a newspaper of general circulation in the area advance notice of the proposed amendment that indicates how copies of the proposed amendment can be obtained.~~

~~C. For the purposes of this chapter, substantive amendments shall be distinguished from procedural or administrative amendments in accordance with the following: "Substantive" matters relate to regulations that define or limit what can be done in terms of conduct, use or action (e.g., what use may be made of land, what requirements apply to development, what public infrastructure may be required of certain developments), and "procedural" or "administrative" matters are those that relate to the process of how an application to take such action must be pursued (e.g., time limits for applications and appeals, what forms must be used, and where or how applications must be submitted. Essentially, "procedural" or "administrative" matters are the mechanical rules by which substantive issues may be pursued). (Ord. 6198 § 1, 2008; Ord. 6006 § 5, 2006; Ord. 4840 § 1, 1996; Ord. 4296 § 2, 1988.)~~

~~17.24.020 Planning commission recommendation.~~

~~After the public hearing has been closed, the planning commission shall recommend to the council either adoption, adoption with modifications, or rejection of the proposed ordinance or amendment. In formulating its recommendation, the commission shall consider, among other things, the relationship between the proposed ordinance or amendment and the comprehensive plan, other applicable city policies, and other existing land use controls. (Ord. 4840 § 1, 1996; Ord. 4296 § 2, 1988.)~~

~~17.24.030 Council action.~~

~~The planning director shall forward the planning commission's recommendation, in writing, to the council. The council may elect to hold its own public hearing, either before the full council or before a council committee, in which case the city clerk shall cause adequate notice to be given. The council shall consider, but shall not be bound by, the planning commission's~~

~~recommendation in reaching its own decision. (Ord. 4840 § 1, 1996; Ord. 4296 § 2, 1988.)~~

~~17.24.040 Initiation of amendments.~~

~~A. The city council, or planning and community development committee of the city council, upon its own motion may request the planning commission to conduct a public hearing to amend any portion or all of this title; provided, that no public hearing is required for a purely administrative or procedural amendment of any portion of this title;~~

~~B. The planning commission may upon its own motion call for a public hearing to amend any portion or all of this title, with the exception of purely administrative or procedural amendments;~~

~~C. Any resident or property owner of the city may petition the city to request an amendment to the text of this title. (Ord. 6198 § 2, 2008; Ord. 4840 § 1, 1996.)~~

Chapter 17.26 **CLUSTER SUBDIVISIONS**

- 17.26.010 Purpose.
- 17.26.020 Scope.
- 17.26.025 Process.
- 17.26.030 Requirements.

17.26.010 Purpose.

The purpose of this chapter is to provide for the clustering of lots within a subdivision onto a portion of the site, while maintaining the underlying allowable density. Clustering allows development to occur at an appropriate density for infrastructure services. It also protects environmentally sensitive areas by clustering lots away from these areas.

17.26.020 Scope.

This requirements of this chapter shall be mandatory for all residential subdivisions and short subdivisions located in the urban separator overlay area as delineated in the city of Auburn comprehensive zoning map.

17.26.025 Process.

Clustering shall be accomplished by either a short subdivision or formal subdivision process as outlined in Chapters 17.09 ACC (short subdivision), or 17.10 ACC and 17.12 ACC (formal subdivision) based upon the number of lots being created.

17.26.030 Requirements.

A. All subdivisions and short subdivisions in the R-1 zoning district shall be required to be clustered pursuant to this section when the property is located wholly or partially within an urban separator as designated on the city of Auburn comprehensive land use plan map.

B. Cluster subdivisions and short subdivisions shall be subject to the development standards outlined in Chapter 18.07 ACC, as modified by Chapter 18.21 ACC. These standards include, but are not limited to, minimum lot size, width, yards, setbacks, parking, landscaping, signage, etc.

C. Applicants for cluster subdivisions shall demonstrate compliance to all applicable design standards and construction standards for the City of Auburn.

D. The provisions of this Title, as well as other applicable portions of the Auburn City Code, shall apply unless specifically exempted. In addition, the following standards shall apply to clustered subdivisions or short subdivisions:

1. Location. The cluster residential development shall be required in the R-1 zoning district within urban separator areas.

2. Permitted uses. Permitted uses in cluster residential developments shall be consistent with Chapter 18.07 ACC, as modified by Chapter 18.21 ACC. In no case shall zero-lot line development be permitted in a cluster subdivision.

3. Minimum area. No minimum area is established for a cluster residential development.

4. Permitted density. The maximum number of dwelling units permitted in a cluster development shall be no greater than the number of dwelling units allowed pursuant to Chapter 18.07 ACC, as modified by Chapter 18.21 ACC.

5. Lot size. The lot area of individual building lots within a cluster subdivision or short subdivision shall be no less than that provided for in Chapter 18.07 ACC, as modified by Chapter 18.21 ACC. New lots created by any subdivision or short subdivision action shall be clustered in groups not exceeding eight (8) units. There may be more than one (1) cluster per project. Separation between cluster groups shall be a minimum of one hundred twenty (120) feet.

6. Lot width. The lot width for individual building lots in a cluster subdivision or short subdivision shall be no less than that provided for in Chapter 18.07 ACC, as modified by Chapter 18.21 ACC.

7. Other development standards. Development standards other than lot size and lot width shall be the same as are required by Chapter 18.07 ACC, as modified by Chapter 18.21 ACC.

8. Common open space.

a. Amount required. The common open space in a cluster subdivision or short subdivision shall be a minimum of fifty (50) percent of the parcel, and may include critical areas and their buffers.

b. Nonconstrained areas defined. For purposes of this section, the nonconstrained area of the parcel is defined as all areas of the parcel, minus critical areas, as defined in Chapter 16.10 ACC as currently and hereinafter amended, and buffers.

c. Buildable Area. After accounting for the 50 percent open space requirement, the remainder of the nonconstrained area of the parcel shall be the buildable area of the parcel.

d. Layout of common open space. The common open space tracts created by clustering shall be located and configured in the manner that best connects and increases protective buffers for environmentally sensitive areas, connects and protects area wildlife habitat, creates connectivity between the open space provided by the clustering and other adjacent open spaces as well as existing or planned public parks and trails, and maintains scenic vistas.

e. Future development prohibited. Future development of the common open space shall be prohibited. Except as specified on recorded documents creating the common open space, all common open space resulting from lot clustering shall not be altered or disturbed in a manner that degrades adjacent environmentally sensitive areas, rural areas, agricultural areas, or resource lands; impairs scenic vistas and the connectivity between the open space provided by the clustered development and adjacent open spaces; degrades

wildlife habitat; and impairs the recreational benefits enjoyed by the residents of the development.

f. Conveyance of common open space. Such common open spaces shall be conveyed to residents of the development, conveyed to a homeowners' association for the benefit of the residents of the development, or conveyed to the city with the city's consent and approval.

Section 2. Implementation. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.

Section 3. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 4. Effective date. This Ordinance shall take effect and be in force five days from and after its passage, approval and publication as provided by law, and the changes to the Auburn City Code set forth herein shall take effect on June 15, 2009.

INTRODUCED: _____

PASSED: _____

APPROVED: _____

CITY OF AUBURN

PETER B. LEWIS
MAYOR

ATTEST:

Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:

Daniel B. Heid, City Attorney

Published: _____